

State of Rhode Island and Providence Plantations

Lincoln Almond, Governor

Final Report of the Rhode Island Justice Commission

Subcommittee on Statewide Forensic Services



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EXECUTIVE SUMMARY

Criminal justice practitioners have believed for many years that forensic services in Rhode Island are fragmented and that gaps in services exist. This opinion has led many to state that the continuation of this situation will ultimately lead to a crisis.

The Rhode Island Justice Commission is authorized by Rhode Island General Laws § 42-26-4 to advise and assist in developing policies, plans, programs for coordination, administration and effectiveness of the criminal justice system. To meet these goals the RIJC periodically conducts evaluations and/or need's assessments aimed at improving the administration of justice.

Accordingly, in 2000, the RIJC Steering Committee authorized a need's assessment to examine the efficiency and effectiveness of statewide forensic services. The May 2001 final report of the National Forensic Science Technology Center (NFSTC) highlighted shortcomings of service delivery and recommended changes necessary before the laboratories could receive accreditation through the American Society of Crime Laboratory Directors Laboratory Accreditation Program (ASCLAD/LAB).

A sub-committee of stakeholders was formed as a result of the report. The committee centered their discussions on the recommendation by NFSTC that statewide forensic services be **rationalized**. To accomplish this goal the issues of consolidation under one criminal justice agency, the Rhode Island State Police; having an advisory committee; being located in one central location; and working toward accreditation were thoroughly discussed.

A. Background of Needs Assessment Report and Formation of Forensic Services Consolidation Committee

In late 2000 the RI Justice Commission (RIJC) Steering Committee authorized the RIJC to engage the services of a consultant to conduct a needs assessment of statewide forensic services. The RIJC awarded the contract to the National Forensic Service and Technology Center (NFSTC) of Largo, FL who completed their report in May 2001.¹

The key findings were as follows:

The effectiveness of forensic service delivery in Rhode Island is compromised due to the following:

- Lack of coordination of service provision
- Lack of appropriate authority in direction and accountability of forensic service provision
- Failure to implement new DNA technologies
- Lack of a State plan to deal with the provision of non-core services such as Questioned Document examination²

The recommendations included the following:

- That the characteristics of ideal forensic services would include³
 1. Scientific integrity
 2. Scientific excellence through training, education and research
 3. The ability to deliver services that meet the needs of the justice system for reliable timely examinations, investigation and trial testimony
 4. Access to the best methodologies

¹ A copy of the report is attached hereto as Appendix A.

² Needs Assessment of Forensic Laboratory Services in the State of Rhode Island, Executive Summary, pp.1-2

³ Needs Assessment ..., p.12

- The State must recognize that its forensic services are part of the administration of justice and make administrative arrangements accordingly.⁴
- Many stakeholders who identified the need to bring the two laboratories together into a single service used the term "rationalization"⁵.
- Six (6) administrative models were offered for consideration.⁶
 1. A unit administered by the Department of Health (DOH) as part of the Medical Examiner's (ME) office
 2. A unit within the Rhode Island State Police (RISP)
 3. An independent unit with oversight from the existing University of Rhode Island advisory council
 4. An integrated laboratory responsible to the RIJC
 5. A Forensic Service Division of the State Police with an oversight committee that reports to the Governor
 6. A Forensic Services Division within a Department of Public Safety.
- That the state takes the necessary measures to ensure that laboratories receive accreditation, including but not limited to:
 1. Appointment of a quality assurance manager
 2. Alterations of physical space.

At the June 21, 2001 meeting of the RIJC Steering Committee it was decided to form a sub-committee which would further examine the report and present their findings back to the Steering Committee, which then would make recommendations to the Governor.

⁴ Needs Assessment ..., p.12

⁵ Needs Assessment ..., p.13

⁶ Needs Assessment ..., pp.14-15

B. Meetings and Work of the Sub-Committee⁷

Meeting 1 - September 5, 2001

At the initial meeting there was a discussion of the report rendered by NFSTC and future strategy. It immediately was the conclusion of the committee that two of the models suggested by NFSTC should be discounted. Those two are the scenarios where a division of forensic sciences would be located in a Department of Public Safety and the other whereby the RIJC would oversee services. It was the consensus of the Sub-committee that the management of statewide forensic services is beyond the mission of the RIJC and that since there is not currently a Department of Public Safety in Rhode Island this suggestion was also deemed unworkable.

The committee then decided to focus its attention on two separate but related administrative constructs.

- 1. How would the agency be administered – i.e., where would it fall in state government structure;**
- 2. How would the agency look in its internal administrative structure, i.e. divisions and responsibilities.**

There was a strong consensus that ***“what is best and what is realistic for Rhode Island”*** should be pursued. Choices should not be guided by the manner in which other states operate. Although much can be learned from the experience of others, our success is dependent on the realities of our own resources and our particular constraints. Accordingly, two working groups were formed to examine the following:

1. The administrative placement of forensic science agencies in other state government structures,
2. The internal administrative structure after unification and addition of lacking services.

An additional area of discussion concerned the placement of the Medical Examiner (ME). It was agreed that each working group would also consider the ME's office in their research and possible future scenarios.

⁷ Minutes of all Meetings are attached hereto as Appendix B.

Meeting 2 - October 10, 2001

The work groups presented their findings to the sub-committee and the highlights were as follows:

1. The administrative structure of approximately 20 other states was examined. In most instances a consolidated forensic services division is located in a Department of Public Safety or some other criminal justice entity, such as the Attorney General or State Police agency.

The ME's office was only included in one of these structures. Many states have located their medial examiner within a Department Health and in many instances it was maintained on a county or local level.

2. Two organizational charts were created to depict the consolidation of the present RI State Crime Laboratory services and the services performed at the Department of Health. One chart included the services of the medical examiner and one did not. A cost breakdown was also submitted for present staffing and future needs.⁸

With respect to the inclusion or status quo of the ME's office the issue of the location of Toxicology was discussed. The committee was informed that most of the work performed by Toxicology is concerned with the post mortem samples taken by the Medical Examiner.

Dr. Robert Carothers, President of the University of Rhode Island (URI) and Dr. Donald Letendre, Chairman of the school's College of Pharmacy were also present at this meeting. Dr. Carothers informed the group that URI is proud to have the Rhode Island State Crime Laboratory as part of the campus. He went on to say that future plans call for the construction of a new building for the School of Pharmacy and that he would be willing to devote space to a forensics laboratory regardless of the administrative structure. He emphasized to the committee that he is interested in maintaining partnerships between the criminal justice system and the academic community and additionally hopes to develop new programs in forensic study at URI. Dr. Letendre, who recently was appointed, echoed these sentiments.

Dr. Carothers was questioned regarding how the University would react to the situation of having a forensics laboratory in one of their buildings, but due to evidence and security controls placed on the space, not having total control over the physical area. The President explained that this situation already exists without problems in some of the buildings on campus.

After the URI presentation, the committee felt it was necessary to settle on the optimum model for consolidation of statewide forensic services before

⁸ This group of charts is attached hereto as Appendix C.

geographic location was discussed any further. Although, in some cases the two issues overlap, the committee was in agreement that administrative structure would ensure what is best for Rhode Island in the terms of efficiency and examination quality.

At the conclusion of the second meeting it was agreed that Joseph Smith and Gina Caruolo of the RIJC would meet with the various interested parties and summarize recommendations of the committee members. This summation would be provided to the RIJC Steering Committee on November 14, 2001.

Meeting 3 – November 7, 2001

This meeting began with a review of a draft summary report that would be presented to the RIJC Steering Committee. The report was to be a compilation of the meetings so far as well as a review of the interviews conducted with interested parties.

A lengthy discussion ensued with regard to the perception of forensic examiners being sworn law enforcement officers or civilians. It was ultimately agreed that the focus should be on the qualifications, i.e., competency or non-competency of the examiner, not their status. Once quality assurance standards ensured proper procedures any competency question could be explored during pre-trial or trial proceedings.

At this meeting the committee agreed to make a recommendation of where administratively the consolidated service agency should be located. Accordingly, the following formal motion⁹ was made, seconded and passed,

This committee recommends an administrative structure of consolidated services administered by the Rhode Island State Police, with a civilian director and a Forensic Advisory Committee.

The committee also entertained much discussion at this meeting regarding accreditation. Accordingly, the following formal motion was made, seconded and passed,

This committee highly recommends that the Rhode Island Justice Commission Steering Committee assist in finding funding to implement the recommendations presented to the Rhode Island Justice Commission by the National Forensic Science and Technology Center regarding the State Crime Laboratory and the Department of Health Laboratories attaining accreditation.

⁹ A list of all motions that passed is attached hereto as Appendix D.

Meeting 4 – December 18, 2001

At this meeting, the committee expanded on the discussion held previously regarding the Director and Advisory Committee.

The overall makeup of the Advisory Committee was discussed at great length. Many references were made to the statute¹⁰ that governs the present State crime laboratory. With regard to the makeup of the advisory committee it was agreed that this should be a well-rounded group of individuals who can contribute various levels and degrees of expertise. It was agreed that the following individuals should be on the Advisory Committee:

- Colonel of the State Police
- Attorney General
- Public Defender
- President of the Rhode Island Police Chief's Association
- Director of the Department of Health
- Dean of the College of Pharmacy of the University of Rhode Island
- A member of the RI Criminalist Association
- State Fire Marshal
- A representative from the courts¹¹
- (2) members of the House of Representatives
- (2) member of the Senate

Further discussion was entertained about having an individual from the private bar on the advisory committee. Several objections were made as to why this person would be necessary, however many reasons were also given in support of such a member.

Meeting 5 – January 29, 2002

The major item discussed at this meeting was the geographic location of the consolidated agency.

¹⁰ R.I.G.L. §12-1.2-1 through and including §12-1.1-11, attached hereto as Appendix E.

¹¹ Although not recorded in the minutes, the issue of having a representative from the courts on the Advisory Committee was discussed. After checking the transcription notes of the meeting it was ascertained that the representative of the Department of Attorney General raised the issue that a judge may have a conflict by sitting on the Advisory Committee and making forensic laboratory policy. A representative of the Courts was present and said he would check with Presiding Justice Rodgers as to whether the Advisory member of the courts should be a judge or other employee. Subsequent to the meeting Judge Rodgers, when approached with the concern, agreed that a member of the judiciary might have a conflict and that an administrative employee would be agreeable.

The RI Department of Health presented documentation that included three proposals.¹² These proposals include: 1) leaving the Crime Laboratory and Department of Health at their present locations until funding becomes available for relocation; 2) moving the Crime Laboratory from the University of Rhode Island to the current Department of Health's Chapin Building while leaving current resources intact; and 3) implementing consolidation, adding new staff and constructing a new separate structure adjacent to the Chapin Building.

Meeting 6 – February 27, 2002

At this meeting documentation was presented detailing a consolidated agency located at the University of Rhode Island.¹³ Mr. Hilliard, the Director of the State Crime Laboratory, also noted that the University of Rhode Island invested its own monies to create the Forensic Science Partnership. The Partnership is a consortium that provides accessibility to classrooms, training, expertise and other services to its members as well as the criminal justice community.

The RI State Police presented documentation with regard to former National Guard buildings in North Scituate, which now belong to the State Police.¹⁴ Representatives of the State Police explained that while these structures might meet the minimum needs for consolidation at this time, the space would not be sufficient if consolidation ultimately included toxicology, drug chemistry and others. The buildings only encompass 15,000 to 16,000 square feet and thus fall short of the NFSTC recommended 30,000 square feet. Trying to equip these buildings would also prove very costly. There are no septic or security systems and they are close in proximity to the Scituate Reservoir. Accordingly, the location would necessitate many environmental permits.

The committee conducted a lengthy discussion regarding the proposals. Members reiterated the fact that the **best arrangement** would be to consolidate services and future separation would be counterproductive. Accordingly, the following formal motion was made, seconded and passed,

It is the recommendation of this committee that the controlling agency should make the final decision on the geographic location of the consolidated forensic services agency.

At this meeting the committee was also provided with handouts from the Department of Health¹⁵ and the State Crime Laboratory¹⁶ with budget and FTE requirements. It was agreed that for purposes of the final report a chart that

¹² This documentation is attached hereto as Appendix F.

¹³ This documentation is attached hereto as Appendix G.

¹⁴ This documentation is attached hereto as Appendix H.

¹⁵ This documentation is attached hereto as Appendix I.

¹⁶ This documentation is attached hereto as Appendix J.

depicts the combined budgets and FTE requirements of both departments would be created.¹⁷

Meeting 7 – April 3, 2002

Colonel Steven Pare of the Rhode Island State Police attended this meeting and spoke at length with the group. He indicated that he agrees with the concept of the need for improved forensic services in the state, believes the committee has made great strides and acknowledged the concessions made by some. Colonel Pare further told the group that he would support the recommendation of the Committee that the Rhode Island State Police being the authority over the consolidated agency.

Colonel Pare explained to the Committee that since his appointment as Superintendent he has conducted a feasibility study of building a new RI State Police Headquarters and that shortly bond issue legislation would be introduced asking the electorate to approve a \$55 million project. The new facility would include a forensic laboratory. The Colonel told the committee that as soon as the legislation was introduced it would be circulated to members of this committee. He further explained that consolidation legislation would have to be entered as separate legislation.

Attorneys from the Labor Relations office of the RI Department of Administration also addressed the Committee at this meeting. They gave the committee an overview of the multitude of issues involved when agencies consolidate and indicated that statutory changes would be required to specifically deal with personnel. The committee was informed that management has the right to reorganize, however it is best to do it with the participation of labor.

The following is a list of those items raised by Labor Relations:

- Pay grades for classified and unclassified personnel
- Union memberships
- Identification and allocation of resources
- 20 year status issue
- Changes in the duties of remaining employees
- Statutorily appointed employees
- Past debt or bond indebtedness
- Liability of a sued employee

The Committee agreed that this would be the last meeting and a final report would be submitted to the RIJC Steering Committee for their consideration.

¹⁷ This documentation is attached hereto as Appendix K.

APPENDIX A

Needs Assessment of Forensic Laboratory Services in the State of Rhode Island



May 18th, 2001

Executive Summary

The Criminal Justice system in Rhode Island receives forensic services from four sources:

- The State Crime Laboratory at the University of Rhode Island
- The Department of Health Forensic Laboratory
- The Department of Health Medical Examiner's Laboratory
- Various agencies outside the State

This report deals with the efficiency and effectiveness of the services provided from the first two, but the recommendations may impact upon the ME laboratory and on future utilization of the outsourced services.

The two laboratories are staffed with well-trained professional personnel. The compact size of the state provides a basis for good communication between users and providers of the services.

However, using the standards of the national accreditation program provided through the American Society of Crime Laboratory Directors Laboratory Accreditation Program (ASCLD/LAB) to benchmark the service physical and personnel infrastructure shows the following shortcomings that would need to be rectified before the service(s) could be accredited:

- Budget and personnel development
- Quality systems management and proficiency testing
- Testing procedures
- Evidence control
- Physical accommodations
- Safety

Evaluation of service provision and stakeholder needs and comparison with national performance levels shows that effectiveness of service delivery is compromised by:

- Lack of coordination of service provision
- Lack of appropriate authority in direction and accountability of forensic service provision
- Failure to implement new DNA technologies

- Lack of a State plan to deal with provision of non-core services such as Questioned Document examination

The reviewers agree with the many stakeholders who expressed concern that the forensic services were not organized in a way that makes them accountable to an agency within the Justice System.

The quality and effectiveness of service provision need to be addressed by rationalization of current services into a single forensic service that:

- Is located at a new single site of a minimum of 30,000 square feet
- Is accountable to a senior officer in a public safety or criminal justice agency
- Provides core services using its own staff, and manages the provision of non-core services from other agencies
- Is headed by a Director who has a proven record in management in an accredited crime laboratory
- Has a senior staff position responsible for Quality Management and a senior staff position responsible for Training and Research & Development

The one-time cost of implementation of the review findings is between \$285,000 for accreditation and \$8,000,000 for a new laboratory. The lower figure reflects the need to devote approximately 2 FTE to the project for a 2 year period and estimate of the cost of infrastructure changes that will be needed. The higher figure is based on the average cost of \$175 to \$250 per square foot quoted to NFSTC for new laboratory building. Obviously the actual total will depend on the land cost at the actual chosen site, should the State choose to proceed that way. However, less costly alternatives to building may be available to provide an adequate physical facility, such as re-modeling of available government space.

In order to meet and maintain accepted levels of performance, recurrent costs need to be increased by the order of \$100,000. This is based mainly on the estimated salary for a full time Quality Manager, and a minimum training budget of \$1,000 per FTE.

Report Findings

2.1 State Crime Laboratory

The State Crime Laboratory (SCL) is housed in 1600 square feet spread over three locations on the campus of the University of Rhode Island. The SCL provides Criminalistics services and training to the local law enforcement agencies and has won a number of grants for service R&D.

The Findings for the SCL are presented below in the format:

- Area assessed in ***bold italic type***
- Finding in regular type
- Comment on the Finding in *italic type*

2.1.1 Management and Operations

2.1.1.1 Budget

The SCL does not have a budget for equipment.

Up-to-date equipment for use in the laboratory's main areas of testing is vital to an effective and efficient forensic service. The laboratory has depended on grant income for its equipment and does not have an adequately resourced or developed training program. Most of its equipment is old but serviceable. A replacement plan has to be put in place before it becomes old and non-serviceable. Some of the plans for future acquisitions (for example for a Scanning Electron Microscope used to test gunshot residues) could result in significant expenditures in areas where the estimated caseload does not justify the expenditure.

The SCL currently has a \$450,000 federal earmark from the National Institute of Justice. This grant is from the CLIP (Crime Laboratory Improvement Program). Since a proposal for the use of this funding has not been written it is suggested that the SCL seek input from service users and other providers in RI and from other service providers in New England on how best to use the funding to improve services statewide.

However, grant funds are meant to supplement budgets not to replace them.

2.1.1.2 Evidence control

The control of evidence integrity does not meet the requirements for storage under proper seal or those for protection from loss, cross-transfer, contamination and deleterious change. This is especially critical given that the laboratory is located in a university with substantial opportunity for through traffic from non-laboratory personnel.

Control of evidence integrity is one of the most important aspects of management and operations in a forensic laboratory. Unless the integrity of materials submitted for testing is absolutely guaranteed the value of any resulting inceptive or associative evidence is open to question.

2.1.1.3 Quality management

The laboratory does not have a quality manager nor does it have an acceptable quality manual. Without a Quality Manager and appropriate manual, the laboratory cannot conduct the annual audits and reviews required under the ASCLD/LAB program.

Testing of adequate quality does not arise spontaneously. It requires active and aware management of techniques and systems. It is now accepted that a minimum of 5% of a laboratories resources needs to be devoted to quality, that an individual needs to be identified as the manager responsible for quality management, and that the policies and procedures utilized by the laboratory to establish and maintain quality testing and interpretations must be codified in a Quality Manual.

The conducting of an annual audit and review of the quality system is the essential step to ensure that the laboratory's quality system continues to develop and does not become inadequate.

2.1.1.4 Test procedures

The laboratory does not have documented records of its method validations nor of the Standard Operating Procedures required to conduct routing testing.

Reliable testing requires validation of the techniques and the documentation of how to conduct the testing, including all necessary controls, standard samples and quality assurance steps. Methods generally accepted in the field do not need to be revalidated as to acceptability but the laboratory needs to have documentation that it has put in place an acceptable implementation of the established method.

2.1.1.5 Calibrations

The laboratory does not have an adequate program for calibration and maintenance of its instrumentation.

Accurate analysis depends on instrumentation being properly calibrated and maintained. The laboratory needs to derive policies and procedures and to ensure that they are implemented.

2.1.1.6 Case records

The laboratory case records do not meet the standards required for accreditation.

These requirements are extensive and demanding. However they are designed to ensure that the laboratory is able to substantiate the findings and conclusions made by its examiners.

2.1.1.7 Records review

The laboratory does not conduct adequate peer and administrative reviews of its reports.

The goal of the laboratory quality systems must always be to obtain the correct answer first time. However the consequences of testing in a crime laboratory are such that it must be a management requirement that reports be reviewed for technical and administrative accuracy before the report is issued. The SCL devoted only 0.05 FTE to this in 2000.

2.1.1.8 Testimony review

The laboratory does not conduct an annual review of the testimony of its examiners.

Testimony is the end product of crime laboratory testing. The laboratory test results must be conveyed to the attorneys and judges in a way that is accurate, complete and understandable.

2.1.1.9 Corrective action procedures

The laboratory does not have a corrective action procedure in writing and in use.

Quality system audit and review are important to operational standards, but it is the presence of an effective corrective action process that makes it so. Unless opportunities for improvement identified at audit can be corrected in a way that addresses the root cause of the problem, failures will recur.

2.1.1.10 Proficiency testing

The laboratory does not meet the ASCLD/LAB standard for proficiency testing of individuals or of analytical disciplines.

Proficiency testing is used to demonstrate that analysts and testing areas are maintaining appropriate levels of competence. It is how a laboratory demonstrates the validity of its work.

The information provided to us by the SCL did not show purchase of any proficiency test materials in 2000.

2.1.2 Physical plant

2.1.2.1 Access control

Access to the operational area of the laboratory is not controlled and limited. We were able to walk freely through the main laboratory facility with no physical or personnel access control.

Access control and physical plant design are important contributors to safety. Although the laboratory has better access control to its firing range, the location of this in the garage area of a house-style building that is used by other people for other purposes is a significant and unacceptable safety hazard.

Integrity of evidence and of data requires that the access to all operational areas is controllable and limited through perimeter security and some system of locks. There must be an effective out-of-hours monitoring system. Safety of staff and others is being compromised to an unacceptable degree by the physical layout of the firing facility.

2.1.2.2 Accommodation quality

The laboratory has an average of about 270 square feet of laboratory per examiner/technician. This is not adequate. The physical layout is cluttered and poorly planned.

The American Society of Crime Laboratory Directors ¹ and the NIJ Publication on Crime Laboratory Design ² recommend 1,000 sq ft per person. The review of 19 local laboratories in California ³ found that the better laboratories had more than 650 sq ft per person.

The SCL recognizes inadequate space is the major factor preventing better service delivery, and has not seen any improvement over the last year.

2.1.3 Personnel

2.1.3.1 Training

The laboratory does not have a formal training program for its staff. The budget allocation is all used for attendance at meetings and workshops but there is no program for systematic skills development. The budget is insufficient.

When budgets are limited, training is often the first area to be cut back. This is not a good practice. For example, two persons exonerated by post-conviction DNA testing are currently

suing the City of Chicago on the basis that it failed to meet appropriate standards for duty of care. Allegations of inadequate training are an important part of the case. A budget of about \$1,000 per person each year is recommended. The budget needs to be used to deliver a planned and appropriate training program for skills development and reduce the proportion used for meeting attendance.

2.1.3.2 Workload and case turn round

The average number of cases per analyst and turn round times are within the range considered acceptable for a laboratory of this size.

The SCL is commended on being able to turn round most of its cases quickly enough to meet the needs of its users.

2.2 Department of Health Forensic Science Laboratory

The Department of Health Forensic Science Laboratory (FSL) is housed in 5480 square feet within the Department of Health laboratory building. The FSL mainly provides Toxicology, Controlled Substance and DNA services, and training to the Medical Examiner and local law enforcement agencies.

The Findings for the FSL are presented below in the format:

- Area assessed in ***bold italic type***
- Finding in regular type
- Comment on the Finding in *italic type*

2.2.1 Management and Operations

2.2.1.1 Budget

The laboratory does have a budget but it is a secondary item on the health department laboratory budget.

Good fiscal practice within the budget for the overall health department laboratories is not necessarily in the best interests of the FSL. For example, when we were there we were party to discussions on a proposed integrated DNA laboratory. The proposal made considerable sense from the point of view of the best use of the Department funds but would have resulted in a facility that did not meet the National QA Standards for Forensic DNA Testing.

2.2.1.2 Evidence control

Evidence control is generally good but needs some attention to detail. There is a physical plant issue on DNA which compromises evidence integrity there.

Control of evidence integrity is one of the most important aspects of management and operations in a forensic laboratory. The accreditation standards in the area are very demanding and no slippage is permitted.

Operations in DNA are required to meet the National QA Standards in addition to participation in the voluntary ASCLD/LAB accreditation program. The DNA standards require that the post-amplification room is separate from the other areas where DNA work is performed. However the separation must be such that the post-amplification room is not a pass-through area. The layout of the pre- and post-amplification areas in the DNA laboratory makes the post-amplification laboratory as pass-through to the pre-amplification area.

The DNA laboratory space is on the same floor as the Medical Examiner's facility and security depends on the laboratory doors being locked. We observed that this security was not always in place.

2.2.1.3 Quality management

The laboratory Director acts as quality manager. The quality manual is not yet fully developed. The laboratory does not have a program or record of successful completion of annual audits and reviews of its quality system required under the ASCLD/LAB program.

The work completed so far on the laboratory quality system is very good. However much remains to be done. It is best that laboratories have an independent quality manager reporting to the director. A laboratory with 18-20 testifying staff members requires one FTE dedicated to quality management.

The conducting of an annual audit and review of the quality system is the essential step to ensure that the laboratory's quality system continues to develop and does not become inadequate.

2.2.1.4 Records review

The laboratory does not conduct adequate peer and administrative reviews of its reports.

The goal of the laboratory quality systems must always be to obtain the correct answer first time. However the consequences of testing in a crime laboratory are such that it must be a management requirement that reports be reviewed for technical and administrative accuracy before the report is issued.

2.2.1.5 Testimony review

The laboratory does not conduct an annual review of the testimony of its examiners.

Testimony is the end product of crime laboratory testing. The laboratory test results must be conveyed to the attorneys and judges in a way that is accurate, complete and understandable.

2.2.1.6 Corrective action procedures

The laboratory does not have a corrective action procedure in writing and in use. However it does have records that show that it responds to issues brought to its attention.

Quality system audit and review are important to operational standards, but it is the presence of an effective corrective action process that makes it so. Unless opportunities for improvement identified at audit can be corrected in a way that addresses the root cause of the problem, failures will recur.

2.2.1.7 Management information

The laboratory is commended on its laboratory information program.

2.2.2 Physical plant

2.2.2.1 Access control

Access to the operational area of the laboratory is not sufficiently well controlled and limited.

Integrity of evidence and of data requires that the access to all operational areas is controllable and limited through perimeter security and some system of locks. There must be an effective out-of-hours monitoring system. Mention has been made of the breaches in the loading area doors and the DNA area.

2.2.2.2 Accommodation quality

The laboratory has an average of about 288 square feet of laboratory per examiner/technician. This is not adequate. The physical lay-out is cluttered and poorly planned.

The American Society of Crime Laboratory Directors ¹ and the NIJ Publication on Crime Laboratory Design ² recommend 1,000 sq ft per person. The review of 19 local laboratories in California ³ found that the better laboratories had more than 650 sq ft per person.

The FSL recognizes inadequate space is the major factor preventing better service delivery in DNA, toxicology and alcohol, and has not seen any improvement over the last year. The DNA laboratory is particularly poorly provided for in regards to the national norms for floor area.

2.2.3 Personnel

2.2.3.1 Training

The laboratory's training budget is about one-third of what it should be.

When budgets are limited, training is often the first area to be cut back. This is not a good practice. For example, two persons exonerated by post-conviction DNA testing are currently suing the City of Chicago on the basis that it failed to meet appropriate standards for duty of care. Allegations of inadequate training are an important part of the case. A budget of about \$1,000 per person each year is recommended. The budget needs to be used to deliver a planned and appropriate training program for all staff. The laboratory faces a problem since it provides a DNA service. The National QA Standards for Forensic DNA Testing require that every analyst receives at least one training exposure in a DNA-related area each year. The budget and accompanying program for the laboratory must be sufficient to meet this requirements and also provide reasonable training for everyone else.

2.2.3.2 Workload and case turn round

The average number of cases per analyst and turn round times are within the range considered acceptable for a laboratory of this size.

The FSL is able to turn round most of its cases quickly enough to meet the needs of its users. It is commended on the way that it dealt with a major backlog problem in toxicology. However it needs to be aware that there may be a problem building with controlled substances.

It also needs to be aware that it has taken too long to bring its DNA STR analysis on-line. Several of the stakeholders identified the lack of STR analysis service as a problem. If the time taken to implement STR analysis is indicative of the time that it will take to turn round DNA cases, there will very soon be an unacceptable backlog.

The laboratory needs to visit some efficient DNA testing laboratories to see how they deal with work organization for biology screening and DNA analysis.

2.2.3.3 Minimum caseload levels

There are some instances where there is a minimum caseload needed either to maintain technical skills or to provide a cost effective service. The State is faced with examples of these in firearms and in DNA data base testing.

The preferred methodology for detection of gunshot residues (SEM – EDX) requires costly instrumentation. The minimum workload to make this a cost-effective service is about 5 cases per month. The demand in Rhode Island is 5 cases per year.

The FSL is currently having problems implementing an STR service in DNA. There is a backlog of about 650 cases to be analyzed for data base submission. It would make operational and economic sense to outsource these to one of the many data basing laboratories rather than to burden the FSL with them.

2.3 Stakeholder evaluations

2.3.1 Service strengths

Stakeholders view forensic science in Rhode Island as well-qualified professionals providing a high quality service.

2.3.2 Service weaknesses

However, they see this high quality service being provided in spite of several weaknesses. There is concern, as one high-level stakeholder expressed it, that there may be a “forensic train crash coming up if we are not careful”.

Analysis of the stakeholders’ concerns identified the following major issues:

- Limited range of services provided, especially the lack of DNA STR testing
- Located in agencies without stake in law enforcement – unshared mission and a resulting lack of support from core agencies responsible for resourcing
- Bifurcated lab system, with fragmented analysis and communication due to two separate locations and a possible loss of evidence
- Discontinuity of services – not easy to get a case completely analyzed without having to make numerous phone calls
- Lack of commitment for training staff & continuing education
- Lack of statewide commitment to provide forensic resources
- Lack of accreditation and concern at evidence security and physical plant limitations in general

Recommendations

3.1 Overview

There are many issues of service quality and effectiveness that require attention. However, the overall administration of forensic services should be addressed first otherwise resource expended on remediation could be wasted.

3.2 *Administration of forensic services*

3.2.1 *Characteristics of an ideal service*

On the face of it, the current administration of forensic services in Rhode Island could be regarded as a model. A list of the characteristics of an ideal forensic service would include:

- Scientific integrity
- Scientific excellence through training, education and research
- Ability to deliver a service that meets the needs of the justice system for reliable timely evidence in the investigation and at trial
- Access to best practice methodologies

Considering each of these in turn shows that, contrary to first impression, there is no benefit to the service from the present administrative arrangements.

Commentators often interpret “Scientific integrity” as “independence from police”. The location of SCL and FSL could thus be viewed in a positive light. However, scientific integrity addresses the ethics of the forensic service. It reflects the ethics and values of the director and staff: if these are questionable, so is the scientific integrity of the service no matter what the administrative arrangements may be. The current locations of the SCL and FSL are thus neither an advantage nor a disadvantage to the level of scientific integrity.

Scientific excellence depends on resources and values. If the budget is adequate and the leadership is committed to quality, then the forensic services will have excellent standards of operation. Administrative location cannot compensate for under-resourcing or poor leadership.

The former Metropolitan Police Forensic Science Laboratory in London, England, serves as an example of the principles enunciated in these two factors. This was universally regarded as one of the 3 best laboratories in the world. It was an integral part of the Police Force, but the Director was given almost complete autonomy for operations and was always an eminent scientist. Economic and political factors, rather than performance ones, have resulted in it being subsumed in the English Home Office Forensic Science Service.

In contrast, one of the infamous forensic disasters of modern times, the “Dingo baby” case in Australia, was a result of poor science delivered from a non-police laboratory which did not meet the standards of scientific integrity and excellence.

Investigators and courts require that forensic science provides thorough, accurate and timely evidence, with a reasoned and understandable interpretation of the underlying facts. The relative weight given to the individual factors is situational but none can be dismissed. The service has to understand these needs. Indeed it could be argued that the service should not be allowed to become remote from the justice system.

There are many ways to define “best practice methodologies”. However, general acceptance in the field of forensic science is one element that has been identified by the courts, first in 1922 with Frye ⁴ and more recently with Daubert ⁵.

3.2.2 Forensic science and the justice system

It should be clear from 3.2.1 that the review team is not convinced that there is any advantage to the administration of justice in Rhode Island in the current arrangements for forensic services. Indeed we find that they are disadvantaged.

The reasons are many but eventually come to forensic science being part of the justice system. A laboratory based in a university is part of the university community dedicated to open learning and furtherance of knowledge. A laboratory based in a health department is part of the State’s commitment to public health. Provision of a **forensic science service** is therefore a secondary issue for a university or a public health department; the first because it is a service and the second because it is forensic.

The State must recognize that its forensic services are part of the administration of justice and make administrative arrangements accordingly. There is an added benefit for fiscal management. This is that users are best suited to place a value the service. Placing responsibility for running the service and accountability for its performance with an agency somewhere within the justice administration will make for informed fiscal management.

Finally, we concur with the many stakeholders who identified the need to bring the two laboratories together into a single service. The term “**rationalization**” was used. This captures the reasons well – while there may be arguments on having a laboratory in a university or as part of a larger laboratory services agency there is no rational reason for separation of the service delivery into two distinct sites.

3.2.3 Administrative location of a single forensic science service laboratory

3.2.3.1 Model 1:
Administered by the Department of Health as part of the Medical Examiner's office.

The present laboratories would be rationalized into one reporting to the ME in the Department of Health.

*In contrast to what we have argued for the FSL, a case can be made that the Department of Health is an appropriate location for the ME's laboratory. One aspect of the work of the FSL is to provide a toxicology service to the ME. If the ME is already accountable for one "forensic" laboratory it could be argued that **all** laboratory service could be part of the ME's responsibility.*

The Director of the forensic laboratory would report to the Medical Examiner. This model has not been discussed with the ME or the Department of Health and we are unaware of how they would regard it.

This model is not favored by us as it is a poor response to the issues presented in 3.2.2 regarding integration of the forensic laboratory within the justice system.

Various combinations of the pathology service, toxicology service and crime laboratory service could be considered within the overall concept, including removing all the ME-related laboratory testing to a facility independent of the Medical Examiner's office. We see no advantages in these variations.

3.2.3.2 Model 2

A unit within the Rhode Island State Police

This model has the laboratory Director reporting to the Commander of the Rhode Island State Police, funded through an identified line item in the police budget.

This model satisfies all of the issues dealt discussed in 3.2.2.

However, there are some 40 agencies in addition to the Sate Police that use the existing forensic services. The State Police budget would need to be increased so that the line item budget met the costs of the statewide services. Also some mechanism would need to be put in place to recognize that the State Police was, overall, a minority user. Finally, it would be in the interests of the image of the service to find a way to deal with some of the issues of independence identified in 3.2.1.

A similar model was discussed during the information-gathering phase when we met with Colonel Culhane. He expressed a readiness to accept the responsibility and accountability for service provision, provided that the budget contained a line item dedicated the provision of services on a statewide basis.

3.2.3.3 Model 3

An independent unit with oversight from the existing University of Rhode Island advisory council

This is the polar opposite to model 2. It has all the advantages and disadvantages of location in a university that were discussed in 3.2.1.

We do not favor this model as it makes the service too remote from the users in the justice system.

3.2.3.4 Model 4

An integrated laboratory responsible to the Rhode Island Justice Commission

The laboratory would be funded through a line item administered by the RIJC.

The RIJC could choose to establish a forensic services committee if this model were chosen. The model has the advantage of placing the service in a neutral agency but within the State's justice system.

It would involve a change to the Commission's operations but is possibly within its mission, taking the JLPSN and the objective of "initiate and support programs designed to impact crime and/or improve the criminal and juvenile justice system" as examples.

However, we are not certain that this model could provide the best line accountability for forensic science service provision.

3.2.3.5 Model 5

A Forensic Services Division of the State Police with an oversight committee that reports to the Governor

This model combines the best aspects of models 2 and 4.

The main difference is the creation of the Forensic Services Committee within the RIJC as an oversight body.

3.2.3.6 Model 6

A Forensic Services Division within a Department of Public Safety

We understand that the State has considered on occasion the creation of a Department of Public Safety.

If this were to occur, then the forensic services could be located within the DPS. Depending on the exact administrative arrangements adopted for the department, this could be a very satisfactory way to achieve accountability within the Justice System while maintaining scientific independence

3.3 Service quality

Shortcomings were found in:

- Evidence control
- Quality management
- Test procedures
- Calibration and maintenance
- Case records maintenance and review
- Testimony review
- Corrective action procedures
- Proficiency testing
- Access control
- Training programs

Each of these is classified by ASCLD/LAB as an area that directly affects and has fundamental impact on the work product of the laboratory or the integrity of the evidence.

While the review found no evidence of inaccurate testing or conclusions having been reported, these deficiencies must be remediated as matter of urgency. If an inaccurate test result or conclusion were to be reported in the future and if no action had been taken, the State could be held to have failed to satisfy its duty of care obligations.

It is estimated that remediation will take about 2 years to implement and require about 2 full time equivalents to manage. Some of this could be achieved by diverting resources on a temporary basis. However, there is a requirement for a new full time equivalent staff position as Quality Manager and for increased training and equipment budgets on a recurring basis. The overall one-time cost should be of the order of \$285,000 for implementation and \$100,000 per year recurring.

3.4 *Administration of the laboratory*

3.4.1 *Management*

The laboratory requires a Director with proven ability as a senior forensic science manager. It needs a dedicated Quality Manager and a dedicated manager responsible for Training and for Research & Development.

3.4.2 *Staffing*

The laboratory needs the following operational staff:

- Controlled substances, 3 FTE
- Biology/DNA, 5 FTE
- Trace evidence, 2 FTE
- Toxicology, 5 FTE
- Firearms, 2 FTE
- Latent prints, 1 FTE
- Breath analysis, 3 FTE

The laboratory needs to identify the correct number of administrative and support staff.

3.5 Recommendations

- 3.5.1 The existing laboratories (FSC and FSL) are rationalized into a single service laboratory.
- 3.5.2 The laboratory is a division of the Rhode Island State Police with the administrative and staffing structure shown in Figure 1.
- 3.5.3 The RIJC establishes a Forensic Service Committee to provide oversight of forensic services. The oversight includes:
 - Advice on budget
 - Performance monitoring
 - Approval of training, research and quality assurance programs
 - Monitoring of service provision to agencies outside of the State Police
- 3.5.4 The laboratory be housed in accommodations not part of the Health Department or of the University of Rhode Island.
- 3.5.5 The laboratory space is 30,000 square feet.
- 3.5.6 The Director is someone with a proven record at senior management level in an accredited full service forensic science laboratory.
- 3.5.7 A Quality Assurance Manager and a Manager of Training and R&D are appointed from within existing personnel resources.
- 3.5.8 The laboratory develops and implements a program to achieve accreditation by December 31, 2002.
- 3.5.9 A one time budget supplement of \$285,000 is provided for accreditation preparation.
- 3.5.10 The annual budget of the laboratory is not less than \$2.6 million of which \$125,000 is used for equipment and \$30,000 is used for training.

Appendices

4.1 Vitae of investigators

4.1.1 *William J Tilstone*

PERSONAL

Born March 27, 1943, Ayr, Scotland. British Citizen, US Green Card.

EDUCATION

University of Glasgow, 1961 - 1965; B Sc 1st Class Honors

University of Glasgow, 1965 - 1968; PhD "Studies on metabolic changes and trauma"

Royal College of Pathologists, 1976; Member by examination of published works. (Fellow, 1986)

APPOINTMENTS

Lecturer in Pathological Biochemistry, University of Glasgow, 1968 - 1972

Lecturer in Forensic Science, University of Strathclyde, 1972 - 1979

Professor and Head, Forensic Science, University of Strathclyde, 1979 - 1984

Director of Forensic Science, Government of South Australia, 1984 - 1996

Executive Director, National Forensic Science Technology Center, 1996 -

Courtesy Professor in Forensic Science, University of Central Florida, 1996 -

RELEVANT EXPERIENCE

Consultant, Forensic Serology, Public Prosecutor for Paisley and Greenock Districts, Glasgow, 1973 - 1984

Member of Council Forensic Science Society 1976 - 79

Editor Journal of the Forensic Science Society 1979 - 86

Vice President International Association of Forensic Science 1981 - 84

Advisor on Clinical Pharmacokinetics, Glasgow Area Health Board 1982 - 84

Grant reviewer ARC Australia, 1992 - 2000

Consultant in Forensic Science, Government of Malta, 1982 - 84

Consultant in Forensic Science, Government of Bahrain, 1993

Member State Government Review of Forensic Science Services, South Australia, 1984 - 85

Member State Government Forensic Science Advisory Committee, South Australia, 1986 - 1996

President International Association of Forensic Science 1987 - 90

Member Executive Council National Association of Testing Authorities of Australia (NATA) 1989 - 1996

Member Board of Control National Institute of Forensic Science, Australia 1990 - 96

Member Delegate Assembly ASCLD-Laboratory Accreditation Board (first non-US member) 1990 - present

Lead Auditor Triennial Statutory Review of SAMCOR (South Australian Government) 1990 and 1993

Consultant, Forensic Toxicology, Attorney-General's Department, State of Victoria, 1991

Member Board of Directors American Society of Crime Laboratory Directors (ASCLD) 1992 - 95 (first non-North American so honored)

Accreditation inspector, ASCLD/LAB, 1992 - 1996

Advisor, Government Agency Review Group, South Australia, 1992

Member South Australian State Government Change Management Directorate - State Services, 1993

Member Registration Advisory Committee for Forensic Science, NATA, 1993 - 96

Acting Director and Auditor, Office of Fair Trading, Government of South Australia 1993

Member State Government Senior Executive Development Reference Group, South Australia, 1995 - 96

Member Board, Human Identification Trades Association, 1996 -

4.1.2 Kevin L. Lothridge

EDUCATION

Master of Science in Management
National Louis University, December 1992.

Bachelor of Science in Forensic Science.
Eastern Kentucky University, May 1984.

PROFESSIONAL EXPERIENCE

1984 Forensic Chemist, Pinellas County Sheriff's Department
1986 Forensic Chemist, Pinellas County Forensic Laboratory
1988 Chief Forensic Chemist, Pinellas County Forensic Laboratory
1995 Forensic Laboratory Director, Pinellas County Forensic Laboratory
1998 Deputy Director, National Forensic Science
Technology Center

TEACHING EXPERIENCE

1984-present Adjunct Faculty St. Petersburg Junior College Public
Safety Institute and Multijurisdictional Drug Task
Force, Forensic Aspects of Drugs of Abuse
(This training has been given over 30 times since 1984)

PROFESSIONAL SERVICE

Midwestern Association of Forensic Scientists
Southern Association of Forensic Scientists
American Academy of Forensic Sciences, Fellow
American Chemical Society
American Board of Criminalistics, Fellow
American Society of Crime Laboratory Directors, President 1996-97
Canine Accelerant Detection Association, Board of Directors 1992-1996

COMMUNITY SERVICE

1984-present Speaker on behalf of The Pinellas County Forensic
Laboratory to local, national and international groups

1984-present Guest Speaker/Career Day participant at local schools

1990-present Member of Pinellas County Drug Free Schools Care Council

RESEARCH PUBLICATIONS

"The Use of Activated Charcoal Strips for Fire Debris Extractions by Passive Diffusion. Part 1: The Effects of Time, Temperature, Strip Size, and Sample Concentration,"

Journal of Forensic Sciences, JFSCA, Vol. 41, No. 3, May, 1996, pp. 361-370.

"An Evaluation of 42 Accelerant Detection Canine Teams,"

Journal of Forensic Sciences, JFSCA, Vol. 40, No. 4, July, 1995, pp. 561-564.

PRESENTATIONS, WORKSHOPS, AND OTHER PUBLICATIONS

- August 1996 The Internet for Forensic Scientists, (Workshop) Co-Chair
International Association of Forensic Scientists meeting,
Tokyo, JP
- May 1996 The Internet for Forensic Scientists, (Workshop) Co-Chair
Southern Association of Forensic Scientists meeting,
Auburn, AL
- April 1996 Electronic Communications for Forensic Science,
(Invited Lecture) Law Enforcement & Corrections Technology
Conf., Los Angeles, CA
- February 1996 The Internet for Forensic Scientists, (Workshop) Co-Chair
American Academy of Forensic Sciences meeting,
Nashville, TN
- January 1996 Statistics for Forensic Scientists (Workshop) Co-Chair, Hosted
by the National Forensic Science Technology Center, St.
Petersburg, FL
- September 1995 The Internet for Crime Laboratory Directors (Workshop),
Annual ASCLD meeting, Quantico, Va.
- August 1995 Use of the Internet to find Information useful in Fire
Investigation. (Invited Poster) International Symposium on
the Forensic Aspects of Fire Investigation, Sponsored by the
FBI, Washington, D.C.
- March 1995 Chemical Destructive Devices, (Invited Lecture) PARCO
Training Conference, SPJC Allstate Center, St. Petersburg, FL
- February 1995 The Internet for Forensic Scientists, (Workshop) Co-Chair
American Academy of Forensic Sciences meeting, Seattle, WA
- September 1994 Managing a Forensic Laboratory,
(Invited Lecture) American Society of Crime Laboratory
Directors Meeting, FBI Academy, Quantico, VA

September 1994	Proper Maintenance of Accelerant Detection Canines, (Juried Paper Award Winner) Southern Association of Forensic Scientists, Orlando, FL
September 1994	Internet for Forensic Scientists, (Workshop) Co-Chairman Southern Association of Forensic Scientists, Orlando, FL
September 1993	Computer Systems Used By The Pinellas Co. Forensic Laboratory, (Invited Lecture) American Society of Crime Laboratory Directors Meeting, FBI Academy, Quantico, VA
April 1993	Fire Debris Analysis. (Training Course) Co-Chairman Continuing Education, Crime Lab Council, St. Petersburg, FL
November 1992	Laboratory Role in Fire Investigation, (Invited Lecture) Pinellas County State Attorney's Office, Clearwater, FL
September 1992	Laboratory Role in Fire Investigation, (Invited Lecture) South Carolina IAAI Meeting, Columbia, SC

COURTROOM EXPERIENCE

1984-present	Controlled Substances Expert Testimony (100 +)
1990-present	Trace Evidence Expert Testimony (Fire Debris, 6 times, Accelerant Detection Canines, 3 times)

4.1.3 *David M. Epstein*

EDUCATION

April 1982 University of Central Florida, Orlando; Bachelor of Science, Forensic Science; Minor, Chemistry

EXPERIENCE

1982 - 1991: Forensic Chemist, Acadiana Criminalistics Laboratory

1991 - 2000: Director, Acadiana Criminalistics Laboratory

2000 – present: Director of Scientific Services, NFSTC

PROFESSIONAL ORGANIZATIONS

American Academy of Forensic Sciences

American Society for Testing and Materials (ASTM), Committee E-30 on Forensic Sciences, Fire Debris Task Group

American Society of Crime Laboratory Directors, Treasurer 1995 - 1998, Electronic Communications Committee Chair & Web Site Manager, 1998 - present

California Association of Criminalists

Louisiana Association of Forensic Scientists, Former President

Louisiana Association of Scientific Crime Investigators, Former President

Louisiana Board of Crime Laboratory Directors and Administrators, Vice President, 1994 - present

Southern Association of Forensic Scientists

Southwestern Association of Forensic Scientists

CERTIFICATION

Diplomate, American Board of Criminalistics, Certificate 549

Current at-large member of Board of Directors (ASCLD nominee)

Fire Debris Task Group, SAFS

CONTINUING EDUCATION

Achieving Excellence in Supervision, LSU Public Management Program, 3.6 CEUs

Advanced AmpF/STR™ & ABI Prism™ 310 Genetic Analyzer

Advanced Interpretation of Mass Spectra, SWAFS

Arson Accelerant Detection, ATF

Association of Firearm and Tool Mark Examiners

Annual Training Seminars - 1982, 1983, 1991 & 1994

Basic Drug Chemistry, LABCLDA

Basic Serology, Elizabeth Quarles, SAFS

Blood Alcohol Testing, Louisiana State Police

Blood Stain Evidence, Herb MacDonell

Chromatographic Methods in Forensic Science, FBI

Clandestine Laboratory Synthesis, DEA

Cost Effective Processing for Latent Prints & Shoe Impressions, MAFS/SAFS

DNA Typing, SWAFS

Effects of Alcohol, James Garriot, Ph.D., SAFS
Forensic Microscopy, Walter McCrone
Hair Comparison, SWAFS
International Symposium on Setting Quality Standards for the
Forensic Science Community, FBI
International Symposium on the Forensic Aspects of Controlled
Substances, DEA & FBI
Internet for Forensic Scientists, SAFS
Laboratory Analysis in Arson Matters, FBI
Laboratory Auditing, National Forensic Science Technology Center
Laboratory Quality Assurance, FBI
Mass Spectrometer Operator & Maintenance Training, Hewlett-Packard Co.
Media Relations - How To, SWAFS
Sig-Sauer Law Enforcement Armorer's Course
Symposium on Crime Laboratory Development, FBI, 1991-1998

TRAINING GIVEN & PRESENTATIONS MADE

Basic Fire Debris School, Lab Instructor - ATF/SAFS 1989
"Implementing Advanced Computer Technology in Forensic Laboratories," IAFS, Tokyo,
1996
Internet for Forensic Scientists - MAFS/SAFS 1995, IAFS 1996, SAFS 1996, AAFS 1997

MANAGERIAL EXPERIENCE

Auditing - After receiving Laboratory Auditing training, I have participated in five pre-ASCLD/LAB audits for the NFSTC (Kansas Bureau of Investigation, Oklahoma Bureau of Investigation, Los Angeles County S. O., Palm Beach County S. O. and Massachusetts State Police), the most recent as team captain in Massachusetts. Additionally, I partnered with Kevin Lothridge to perform audits covering the laboratory information management systems of two statewide laboratory systems (Illinois State Police and Colorado Bureau of Investigation).

Budgeting and Planning - As director of a stand-alone crime lab, I have been responsible for all planning and budgeting functions since 1992. There being no parent agency, I have arranged for all services needed by the Acadiana Criminalistics Lab, including liability, property, and workers' compensation insurance, salary scales, personnel fringe benefits (health insurance, retirement, deferred compensation, cafeteria plans, and supplemental insurance), transportation and training, equipment and supply procurement, hiring, basic physical plant needs (electricity, water, sewerage, telephony, security, waste disposal, and maintenance), and professional service (annual financial audits, proficiency tests, and external audits and inspections). Each year an external financial audit by a private CPA firm, reviewed by the Louisiana Legislative Auditor, has affirmed sound accounting practices by this laboratory.

Grant Procurement and Management - Since 1988 I have overseen the procurement and management of 12 federal and state grants, which have provided \$648,873 for personnel, equipment, supplies, contractual services, and training. Of the total, \$113,963 was obtained to provide training for about 240 students from Louisiana's eight crime laboratories. These students were offered 16 courses covering basic and advanced topics in trace evidence, fire debris, firearms, toolmarks, microscopy, laboratory auditing, bloodstain pattern interpretation,

expert testimony and communications, blood alcohol testing, DNA, and evidence control. The average class lasts 4 days and cost \$475 per student, including room and board.

4.2 Description of methodology

Proposed Methodology

NFSTC will review service provision and technical capability through on site inspection, survey of service providers and users, and workshops. NFSTC permanent staff and contractors will conduct the technical and infrastructure reviews. The personnel and procedures used will be those proven to be effective in previous projects successfully completed by the offeror.

A key success factor for successful organizational change incorporated in the proposal is the formation and use of a Forum group of staff members from the service provider laboratories.

Background

In addition to addressing analysis of conformance with Standards and Regulations, the stated General Purpose and Desired Results include:

- Interviews with users, prosecution, defense and judiciary,
- A planning workshop
- Two separate references to factors causing delays in examinations
- An opinion on consequences of recommended actions

The methodology to be used is described below. Each section concludes with a time frame which is the number of weeks from start of the project that the activity is planned to start and end. The final section is a Gant chart showing all the phases and time frames.

There are four phases in the proposal:

1. Surveys,
2. Site visits,
3. Workshops,
4. Data analysis and reporting

NFSTC Resources

NFSTC will resource the project off site from its offices and on site in Rhode Island.

State of Rhode Island Resources

NFSTC has elected to adopt a methodology it has used with considerable success in other situations. That is the creation and involvement of a Forum group randomly chosen from a cross section of all positions and grades in the affected facilities. The reasons are:

- This gives better information on the true operational situation

- It involves the whole organization in the data collection and analysis and so creates an understanding within the forensic service providers of the problems to be faced
- By engaging everyone it sets an environment for successful implementation of recommendations – they become “our” solutions

However it is important that the costs of the process are recognized – the State will need to accept the loss of production during involvement with the review.

The plan for Forum establishment and utilization is:

All staff will be sent an outline of the project and an invitation to participate. The responses will be reviewed by NFSTC and divided into about 15 groups representing management, supervisors, bench staff and support staff and covering the main disciplines in each laboratory. Approximately 2 weeks before the start of the project, NFSTC will hold a Town Meeting to introduce the consultants and the project, and select the Forum members.

The Forum members will be given instruction on problem solving and auditing and used in focus groups to collect information. The Forum group will also be used for the first evaluation of the data collected in the surveys and the preliminary recommendations, so that there is a feet-on-the-ground reality check of the data and conclusions.

Surveys

Two survey instruments will be developed, each tailored to the program needs, but based on those used by NFSTC in previous needs analyses. The surveys will be based on the checklists for recognized operational standards and regulations, and the NIJ standards for crime laboratories.

The first instrument will identify the information required including but not limited to: staff numbers, case numbers, case backlogs, case turn-round time, resource expenditure on categories such as consumables, equipment, quality assurance, training, salaries of professional and support staff, performance trends, example management reports, and laboratory physical plant and size. The second will seek the views of users on the standards of service required and delivered, and the impact of any shortfall on the administration of justice.

Drafts will be evaluated by NFSTC and nominated personnel from the State Teams before the final version is released.

Site visits

Each site will be visited by either NFSTC staff or Forum members, and evaluated against accepted operational standards. The objective is to provide objective information on key issues such as evidence integrity, technical capacity and competence, analyst knowledge,

efficiency and effectiveness of organizational structures, quality of the physical infrastructure, and effectiveness of quality system design and implementation. Information sources will be interview of staff and management, review of documentation, and inspection of physical plant and procedures.

Workshops

Efficiency and effectiveness are achieved when the needs of the users are known and there are procedures and practices in place, which enable the provider to meet them, within the resources, which can be made available.

The project plan includes three workshops involving the Forum members and directed to these ends.

4.3 Survey Instruments

4.3.1 Laboratories

SURVEY

* *NOTE: Where the survey requests a response as FTE please total the time spent on the activity and express it as the number of full time equivalent positions. The grade or salary of the position does not matter. Thus if you have 10 analysts of various grades each of whom spends about 4 hours per week on file review, this is 4/40x10, or 1.0 FTE.*

A: Financial resource Management

Annual salary budget (including fringes) of your laboratory: _____

Annual equipment budget of your laboratory: _____

Annual training budget for lab personnel: _____

Annual consumable supply budget of your laboratory _____

Total annual budget including all of the above: _____

Does your laboratory have a capital equipment replacement plan Y / N

Provide capital equipment inventory showing equipment, purchase price, date of purchase, estimated utilization (h/month) (Attachment 'A').

B: Human Resource Management

Number of full-time testifying analysts: _____

Number of full-time technical support staff members: _____

Number of supervisory staff: _____

Laboratory floor space (square feet): _____

Provide a dimensioned floor plan. (Attachment 'B')

What are your laboratory's major training shortfalls, if any? (*Briefly describe*)

C: Quality Management

Annual resource commitment to QA:

Proficiency test purchase (\$) _____
PT program management (FTE*) _____
File review (FTE) _____
Quality system maintenance (FTE) _____

Is there a position identified as Quality Manager: Y / N

In what areas, if any, do you see a need to improve quality of your laboratory's system or operations? (*Briefly describe*)

Does your laboratory have a quality manual? (Attachment 'C' – electronic copy preferred).

D: Information Management

Does your laboratory have an Automated Laboratory Information System (LIMS): Y / N

If "yes" please complete the following

Area	Use a lot	Use some times	Do not use or use rarely

Data capture and manipulation from instrumentation			
Evidence tracking			
Report writing			
Analyst performance monitoring			
Case turn round time monitoring			
Case management			

Does your laboratory have a Management Information System that is not part of a LIMS:
Y / N

If "Yes" please complete the following

Area	Use networked computer	Use stand alone computer	Use manual records
Evidence tracking			
Analyst performance monitoring			
Case turn round time monitoring			
Case management			
Financial or budget management			

Please submit example management reports (Attachment 'D')

E: Performance Management

Does your laboratory have performance goals Y / N

Does your laboratory survey users for information on their needs
Y / N

Does your laboratory survey users on how well you meet their needs Y / N

Does your laboratory have a performance review / appraisal system Y / N

If "Yes" please provide a brief description of the system (Attachment 'E').

Does your laboratory compare its performance with that of any other crime laboratory Y / N

How do you evaluate whether to introduce new testing area (Attachment 'F')

In terms of your primary unit of measurement, for the most recent year for which data have been compiled, enter your estimate of the number received and analyzed.

Primary unit of measurement: _____ (i.e. cases, items, examinations, etc.)

Areas of Analysis	Number Received	Number Analyzed	Turn round time (Average number of days from receipt to case closing)
a. DNA			
b. Firearms, toolmarks			
c. Forensic biology screening			
d. Trace analysis			
e. Latent prints			
f. Fire debris			
g. Explosive residue			
h. Controlled substance			
i. Criminal toxicology (e.g. urine drug screens)			
j. Post-mortem toxicology			
k. Blood alcohol			
l. Questioned documents			
m. Computer crime investigation			
n. DNA data base samples			
o. DNA "no suspect" cases			
p. Latent print database (AFIS)			
q. Impressions (footwear, tireprints, etc.)			
r. Firearms database (Drugfire and/or IBIS)			
s. DNA database samples			

For each of these areas of analysis conducted in your laboratory, indicate which of these factors is preventing better service delivery. Score 0 = “not at all” to 4 = “major factor”

Areas of Analysis	Lack of current equipment	Lack of expertise or training	Demand greater than capacity to meet it	Space limitations	Staffing
a. DNA					
b. Firearms, toolmark					
c. Forensic biology screening					
d. Trace analysis					
e. Latent prints					
f. Fire debris					
g. Explosive residue					
h. Controlled substance					
i. Criminal toxicology (e.g. urine drug screens)					
j. Post-mortem toxicology					
k. Blood alcohol					
l. Questioned documents					
m. Computer crime investigation					
n. DNA data base samples					
o. DNA “No suspect” cases					
p. Latent print data base samples (AFIS)					
q. Impressions (footwear, tireprints)					
r. Firearms database (Drugfire and/or IBIS)					
s. DNA database samples					

For these same areas of analysis conducted in your laboratory, compare the factors for 2000 to those for 1999. Score 1 = “worse”, 2 = “same”, 3 = “better”.

Areas of Analysis	Lack of current equipment	Lack of expertise or training	Demand greater than capacity to meet it	Space limitations	Staffing
a. DNA					
b. Firearms, toolmark					
c. Forensic biology screening					
d. Trace analysis					
e. Latent prints					
f. Fire debris					
g. Explosive residue					
h. Controlled substance					
i. Criminal toxicology (e.g. urine drug screens)					
j. Post-mortem toxicology					
k. Blood alcohol					
l. Questioned documents					
m. Computer crime investigation					
n. DNA data base samples					
o. DNA “No suspect” cases					
p. Latent print data base samples (AFIS)					
q. Impressions (footwear, tireprints)					
r. Firearms database (Drugfire and/or IBIS)					
s. DNA database samples					

Using communications and effectiveness in achieving good quality service, please rate the following. Score 0 = "Very bad" to 4 = "Excellent"

Area	Score
Relations with crime scene investigators	
Relations with prosecutor's office	
Relations with other laboratories providing forensic services to the state	

Within your laboratory, how would you generally rate the quality of the following instrumentation presently in use? *Mark one (✓) for each row.*

Instrumentation	Not Applicable	Obsolete	Old but Serviceable	Modern/ Little Room for Improve- ment	State of the Art
a. Computers					
b. Fourier Transform Infrared Spectrometers (FTIRs)					
c. Gas chromatograph (GC) instruments					
d. Gas chromatograph/mass spectrometer (GC/MS) instruments					
e. Stereomicroscopes					
f. Compound microscopes					
g. Comparison microscopes					
h. DNA analysis instruments					
i. Other (<i>specify</i>):					
j. Other (<i>specify</i>):					
k. Other (<i>specify</i>):					
l. Other (<i>specify</i>):					

Which of the following tests of evidence is your laboratory likely able to obtain in sufficient time to meet legal and time frame requirements necessary for effective investigation and prosecution? *Enter one of the following code numbers for each type of crime and type of test you consider applicable.*

1 2 3 4 5
Unknown None Some Most All

	Latent Prints	Trace Evidence	DNA Analysis	Toxicology	Controlled Substances	Firearms
a. Homicide						
b. Assault and robbery						
c. Rape and sexual assault						
d. Driving under the influence						
e. Property crimes – burglary, vandalism, arson						
f. Weapons offenses						
g. Possession of controlled substances						

If your laboratory is unable to analyze all of the evidence submitted to it, indicate the likelihood of analysis for the following types of cases and evidence. *Mark (✓) one for each row.*

Type of Case \ Evidence	Unlikely to Be Analyzed	Likely to Be Analyzed	Certain to Be Analyzed
a. Possession of controlled substances			
b. Cases involving firearms			
c. Rape and sexual assault			
d. Latent prints from homicide			
e. Latent prints from other crimes			
f. Driving under the influence (DUI)			
g. Other (<i>specify</i>):			

This questionnaire may not have addressed all of the resource or performance-related issues of importance to your crime laboratory. Please use this space or attach additional pages to add comments or clarifications about your laboratory's needs or challenges.

Attachment 'A'

INVENTORY

Please provide an equipment inventory. Provide whatever of the following is available. If your normal records do not include any of the items DO NOT try to obtain and add the information unless it is readily available.

The inventory can be provided in print or electronic form.

Equipment name and model number, purchase price, date of purchase, estimated utilization (h/month)

Attachment 'B'

QUALITY MANUAL

Please provide a copy of your laboratory Quality Manual. Electronic form is preferred (Word, Adobe PDF, or Word Perfect) but print is acceptable.

Attachment 'C'

PERFORMANCE APPRAISAL

Please provide a summary of your performance appraisal system. The summary should identify the basis of appraisal targets, and describe how appraisals are conducted and how the information is used. Please provide copies of any forms used and provide examples of how the information is used in HR and case performance management.

Please make sure that any appraisal of managers is described as well as any "180 degree" or "360 degree" appraisals.

Attachment 'D'

NEW TESTING AREA EVALUATION

Please describe how you evaluate whether to implement new testing areas and how you proceed to quantify the impact on operations. Give examples of how you evaluate the methodology and its impact on service delivery.

4.3.2 Stakeholders

Forensic science services are provided from two separate facilities, the State Crime Laboratory and the Department of Health Forensic Laboratory. The objectives of this survey are to obtain data on how stakeholders view:

- The role of each laboratory as a part of the State investment in public safety
- How well each laboratory satisfies that expectation
- How each laboratory interacts with stakeholders to identify and respond to service needs

1. How does the work of the laboratory affect your work?

Please list the three of the most important ways that some aspect of the laboratory affected your work in 2000. Rate each area A (major impact), B (moderate impact) or C (very little impact).

State Crime Laboratory

Area	Impact

Department of Health Forensic Laboratory

Area	Impact

2. The laboratory's role

Please grade the following roles of the laboratory. Respond separately for the two sites: The State Crime Laboratory and the Department of Health Laboratory/Forensic Sciences. Please rate each area for its importance to preserving public safety, using the scale: "A" (major), "B" (moderate) or "C" (minor), and for how well it meets your needs using the scale: "A" meets needs very well, "B" meets needs somewhat or "C" does not meet needs. If you do not use the services of one or both laboratories, please complete the "Role" and "Importance" columns and enter "N/A" in the "Meets needs" column.

Role – State Crime Laboratory	Importance	Meets needs
Assist in crime investigation by including or excluding subjects as possible perpetrators.		
Assist in effective judicial proceedings by providing associative or exculpatory evidence.		
Advise on scientific investigation of crime		
Training and education		

Other (Please specify at least one other role that you consider to be important)		

Role – Department of Health/Forensic Science Laboratory	Importance	Meets needs
Assist in crime investigation by including or excluding subjects as possible perpetrators.		
Assist in effective judicial proceedings by providing associative or exculpatory evidence.		
Advise on scientific investigation of crime		
Training and education		
Other (Please specify at least one other role that you consider to be important)		

4.4 Summary of survey responses

	Assist Crime Investigation	Assist in Judicial Proceedings	Advise Scientific Investigation	Training & Education
	Importance	Importance	Importance	Importance
	Meets	Meets	Meets	Meets
	Needs	Needs	Needs	Needs
Police &				

Investigators

RI State Police Crime Lab

#1	A	B-C	A	B	A	B	A	A
#2	A	B-C	A	B	A	B	A	A
#3	A	N/A	A	N/A	A	N/A	B	C
#4	A	C	A	B	A	C	B	N/A
#5	A	B	A	B	A	B	A	A
#6	C	C	A	C	A	A	A	C
#7	B	A	B	A	B	A	A	A
#8	A	A	A	A	B	B	A	A
#9								
#10	B	C	A	B	A	B	A	B
#11	A	B	A	B	A	B	A	A
#12	A	B	A	B	A	A	A	A
#13	A	A	A	A	B	A	A	A
#14	A	A	A	A	B	A	A	A
#15	A	A	B	A	C	C	B	C
#16	A	A	A	A	A	A	A	A
#17		C	A			C	A	
#18	B	A	A	A	A	A	B	B
#19	C	C	C	C	B	B	A	A
#20	A	B	A	B	A	B	A	C
#21	A	A	B	B	A	A	A	A
#22	A	A	A	A	A	A	A	B
#23	A	A	A	A	A	A	A	A
#24	A	A	A	N/A	A	B	A	N/A
#25	N/A	N/A	N/A	N/A	N/A	N/A	A	A
#26								
#27	A	A	A	A	A	A	A	B
#28	N/A		B	A	N/A		A	A
#29	A	B	A	A-B	A	A	A	B
#30								
#31	A	A	A	A	A	A	A	A
#32	A	B	A	B	A	A	A	B
#33	A	B	A	B	A	A	A	B
#34	A	B	A	B	A	A	A	B
#35	A	C	A	B	A	C	A	C
#36							A	B
#37	A	A	A	A	A	A	A	A
#38	A	A	A	A	A	A	A	A
#39	A	A	B	B	A	B	A	A
#40	A	A	A	A	A	A	A	A
#41	A	A	A	A	A	A	A	A
#42	B	A	A	A	A	A	A	B
#43	A	C	A	B	A	C	A	B
#44	A	C	A	B	A	C	A	B
#45	A	C	A	B	A	C	A	B
#46	A	A	A	A	B	B	A	A
#47	C	C	B	B	A	A	A	A
#48	B	B	B	B	B	B	A	A

#49	A	B	A	B	A	A	A	A
Totals:	A-34; B-5; C-3; N/A-2	A-20; B-10; B-C-2; C-10; N/A-2	A-36; B-7; C-1; N/A-1	A-18; A-B-1; B-20; C-2; N/A-3	A-34; B-7; C-1; N/A-2	A-23; B-12; C-7; N/A-2	A-42; B-4	A-25; B-13; C-5; N/A-2

**RI Department
of Health**

#1	A	A	A	A	A	B	B	B
#2	A	A	A	A	A	B-C	A-B	B
#3	C	N/A	C	N/A	A	A	B	C
#4	A	B	A	B	A	B-C	B	B
#5	A	A	A	A	A	B	B	B
#6	A	A	A	A	A	A	A	C
#7	A	A	A	A	A	A	A	C
#8	A	A	A	A	C	C	C	C
#9								
#10	A	C	B	B	B	B	C	B
#11	A	A	A	A	A	C	A	C
#12	A	B	A	B	A	A	A	B
#13	A	A	A	A	A-B	B	A	B
#14	A	A	A	A	A-B	B	A	B
#15	A	A	A	A	A	A	A	C
#16	A	A	A	A	A	A	B	B
#17	A	A	A	A	B	B	B	B
#18	A	A	A	A	B	B	B	B
#19	A	A	A	A	B	B	B	B
#20								
#21	A	A	C	B	C	B	C	C
#22	A	A	A	A	A	A	A	B
#23	A	A	A	A	A	A	A	A
#24	A	B	A	N/A	A	N/A	A	A
#25	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
#26	A		A		A		A	
#27	A	A	A	A	A	A	A	C
#28	N/A		A	A	A	A	A	A
#29	A	A	A	A	A	A	A	B
#30	A	A	A	A	A	A	B	B
#31								
#32	A	B	A	A	A	B	A	C
#33	A	B	A	A	A	A	A	C
#34	A	B	A	A	A	B	A	C
#35	A	C	A	B	A	C	A	C
#36	A	B						
#37	A	A	A	B	A	B	A	C
#38	A	A					C	C
#39	A	B	A	A	B	B	B	B
#40	A	A	A	A	A	A	A	B
#41	A	A	A	A	B	A	A	C
#42	C	A	B	B	C	B	B	C

#43	A	C	A	B	A	C	A	B
#44	A	C	A	B	A	C	A	B
#45	A	A	A		A	A	A	C
#46	A	A	A	A	A	A	B	B
#47	A	A	A	A	A	A	A	A
#48	B	B	B	B	B	B	C	C
#49	A	B	A	B	A	B	A	B
Totals:	A-41; B-1; C-2; N/A-2	A-28; B-10; C-4; N/A-2	A-38; B-3; C-2; N/A-1	A-28; B-11; C-0; N/A-3	A-31; A-B-2; C-3; N/A-1	A-18; B-16; B-C-2; C-5; N/A-2	A-26; A-B-1; B-12; C-5; N/A-1	A-3; B-21; C-18; N/A-1

Staff

RI State Police Crime Lab

#1	A	B	A	B	A	A	A	A
#2								
#3	A	B	A	A	B	B	B	B
#4	A	C	A	C	A	B	A	A
#5	A	C	A	C	A	B	A	A
#6	A	A-B	A	A	A	A	A	A
#7	A	C	B	B	B	B	A	B
#8	A	A-B	A	A	A	A	A	A
#9	A	B	A	A	C	C	A	B
#10								
#11	A	N/A	A	N/A	A	N/A	A	N/A
#12								
#13	A	B	A	A	A	A	A	B
#14	C	C	B	C	C	B	B	B
#15	A	B	A	B	A	B	A	A
#16								
#17								
#18	A	N/A	A	N/A	A	N/A	A	N/A
Totals:	A-12; C-1	A-B-2; B-5; C-4; N/A-2	A-11; B-2	A-5; B-3; C-3; N/A-2	A-9; B-2; C-2	A-4; B-6; C-1; N/A-2	A-11; B-2	A-6; B-5; N/A-2

RI Department of Health

#1	N/A		C	A	N/A		A	C
#2	A	B	A	B	A	A	A	A
#3								
#4	A	B	A	B	B	B	B	C
#5	A	B	A	B	A	B	A	B
#6	A	B	A	B	A	B	A	B
#7	A	N/A	A	N/A	A	N/A	A	C

#8					B	C	A	C
#9	A	A	A	A	A	N/A	A	N/A
#10	A	B	A	B	A	A	B	B
#11	A	A	A	B	B	A	B	C
#12	A	B	A	B	A	B	B	C
#13	B	B	A	B	A	B	B	C
#14	A	A	A	A	A	A	A	N/A
#15	A	B	A	A	B	B	B	C
#16	A	N/A	A	N/A	A	N/A	A	N/A
#17	A	N/A	A	N/A	A	N/A	C	N/A
#18	N/A		A	A	A	A	B	C
Totals:	A-13; B-1; N/A-2	A-3; B- 8; N/A- 3	A-15; C-1	A-5; B- 8; N/A- 3	A-12; B-4; N/A-1	A-5; B- 6; C-1; N/A-4	A-9; B-7; C-1	A-1; B-3; C-9; N/A-4

4.5 List of Forum members

SCL

- Dennis Hilliard – Director
- Amy Duhaime - Criminalist
- Karen Vallaro – Criminalist

FSL

- Paula Gruttadauria – Breath supervisor
- David Ullis - Director
- Cara Lupino – Biology
- Sharon Mallard – Biology
- Robin Smith – Biology supervisor
- Jennifer Finch – Toxicology
- Gino Rebussini – Controlled substances, supervisor

4.6 List of stakeholders interviewed by Forum

DEPARTMENT	CONTACT
Barrington	Chief
Bristol	Chief
Burrillville	Col. Bernard Gannon
Central Falls	Lt. John DesMaris
Charlestown	Det. John Cummings
Coventry	Ron DaSilva
Cranston	Walter Craddock & Marc Zabinski
Cumberland	Chief
East Greenwich	Lt. Bill Higgins
East Providence	Chief
Foster	Chief Kettelle
Glocester	Chief Jaime Hainsworth
Hopkington	Lt. Mike Gilman
Jamestown	Lt. Balzer
Johnston	Dave Detora & Gary Maddoks
Lincoln	Chief Strain
Little Compton	Sid Wordell
Middletown	Chief William Burns
Narragansett	Det. Brian Ruffier

New Shoreham	Chief
Newport	Sgt. Gallipeau & Ken Wilkinson
North Kingston	Chief Fage
North Providence	Col. Devine
North Smithfield	Chief Reynolds
Pawtucket	Det. Marc Force
Portsmouth	Chief Seale
Providence	Woodruff & Britto & Hassett & Estin
Richmond	Sgt. Sean Butler
RISP	Mjr. John LaCrosse
Scituate	Chief Mack
Smithfield	William McGary
South Kingston	Sgt. Owens & Det. Mike Nolan
Tiverton	Lt. Tom Kaminski (Nick Maltase)
Warren	Chief Gordon
Warwick	Capt. Thomas Nye
West Greenwich	Chief Gary Malikowski
West Warwick	Capt. Adamo
Westerly	Chief Smith
Woonsocket	Dep. Chief William Shea & Luke Simard
State Fire Marshall	Jesse Owens
Prov. Fire Dept.	Paul Collardo
Warwick Fire Dept.	Art Lowe
ME	Laposata, Sikirica, Capron
Rape Crisis Center	Peg Langhammer
Police Academy	Dave Ricciarelli
DEM	Chief Scanlon
Navy	Chief Richard Roland
AG	Bill Guglietta
Public Defenders	Barbara Hersh
Attorneys	
Superior Court	Rogers & Revens
District Court/Traffic	DeRobbio & Ippolito
Family Court	Jeremiah
URI Campus Police	

4.7 List of Persons interviewed by NFSTC staff

Edmond S. Culhane, Jr., Colonel RI State Police
Gina Caroulo RI Justice Commission
Joe Smith RI Justice Commission
Rep. Carol Murman
Bill Guglietta Atty. General Office
John Hardman Public Defender
Dr. Gregory Hayes
Dr. Nolan Dept of Health
Dr. Laposata ME
Louis A. Luzzi, Dean URI

4.8 References

1. American Society of Crime Laboratory Directors. "Recommendations for Crime Laboratory Space Needs". Crime Laboratory Digest, Volume 19, No.2, April 1992.
2. Forensic Laboratories: Handbook for Facility Planning, Design, Construction, and Moving. U.S. Department of Justice publication NCJ 168106, 1998.
3. California Bureau of State Audits Forensic Laboratories, December 1998 97025. The report is available at www.bsa.ca.gov/bsa/pdfs/97025.pdf
4. *Frye v. United States*, 54 App. D. C. 46, 47, 293 F. 1013, 1014
5. *Daubert v. Merrell Dow Pharmaceuticals* (92-102), 509 U.S. 579 (1993).

APPENDIX B

**Forensic Science Services Committee
Minutes of the Meeting of
Wednesday, September 5, 2001
8:30 AM – Administration Building
One Capital Hill
Providence, RI**

Call to Order

Joseph Smith welcomed everyone and called the meeting to order at 8:48 AM.

Attendance

Those attending the meeting included the following:

Ted Martin, Department of Health
Dr. Gregory Hayes, Department of Health
Dr. David Uliss, Department of Health, Forensic Sciences
Bill Guglietta, Department of Attorney General
Lt. Emil Fioravanti, Providence Police Department
Lt. Leroy Rose, Rhode Island State Police
Mike DiLauro, Public Defender's Office
Rep. Carol Mumford, RI House of Representatives
Hon. Joseph Rodgers, Presiding Justice, RI Superior Court
Stephen King, Administrative Office of State Courts
Tim Bonin, Governor's Policy Office
Sgt. Napoleon Brito, Providence Police Department
Robin Smith, Department of Health
Bev Sherry, Department of Health/Labs
Shawna Bradshaw, Department of Health/Labs
Chief Stephen McCartney, Warwick Police Department
Det. Ron DaSilva, Coventry Police Department
Dennis Hilliard, State Crime Laboratory
Rep. Kenneth Carter, RI House of Representatives
Joseph Smith, RI Justice Commission
Gina Caruolo, RI Justice Commission
David LeDoux, RI Justice Commission
Gina Tocco, RI Justice Commission

1. Committee Formation

Joe Smith began the meeting with the background on the formation of the Forensic Science Services Committee. He indicated that 6 to 8 months ago the Criminal Justice Steering Committee, made of approximately 8 individuals from the RI Justice Commission Policy

Board, authorized the Justice Commission to go ahead with evaluations and needs assessments funded by grants through the RI Justice Commission. One needs assessment, decided by vote, would focus on forensic science services in Rhode Island. After many people were interviewed, the needs assessment was completed and was reviewed by the Steering Committee. The Steering Committee then decided at the most recent meeting on August 16, 2001 to form a committee to evaluate the needs assessment, get input from the various agencies impacted by forensic science services and form a general consensus on how to proceed. After the Steering Committee met the Forensic Science Services membership was determined, providing input from as many agencies with interest in forensic science services. Joe Smith indicated that ideally this committee would begin to show where to go from here in the next several months. Mr. Smith stated that with this needs assessment and planning by the Committee, we could benefit the entire RI criminal justice system.

He then turned the meeting over to the new Chair of the Forensic Science Services Committee, Gina Caruolo. Ms. Caruolo began by discussing the composition of the newly formed committee, mentioning that too large a committee would be unwieldy and that the proposed membership is intended to represent any agencies impacted by forensic science services, whether it be giving the services, directly using the services, or generally benefiting from the services. Membership would also include members of the General Assembly, the RI Criminalists Association, and various others. Ms. Caruolo further indicated that these would be voting members and asked if there was anyone who felt their position on the Committee should be of non-voting status. Ms. Caruolo mentioned that the Governor's Policy Office asked to be a non-voting member and that a representative from the Budget Office may be on hand for assistance but would also be a non-voting member. She added that all the meetings are open meetings and Committee members should feel free to refer to others from their departments. Other staff from departments are also welcome to attend.

Judge Rodgers asked if the Committee should also include membership from the State Senate seeing as there is representation from the House side of the General Assembly as well. Representative Mumford agreed with this recommendation and Gina Caruolo stated that she would be in touch with the Senate to ask for an appointee.

Ms. Caruolo then asked that the Committee come to consensus that this proposed Committee, with the addition of Senate representation, is a good working committee. There were no objections.

2. Discussion of Needs Assessment of Statewide Forensic Services; and

3. Future Strategy

Gina Caruolo began discussion about the needs assessment that was commissioned by the Steering Committee of the RI Justice Commission to look at the effectiveness and efficiency of forensic services in Rhode Island. The Executive Summary shows some areas that appear to be lacking. The report does not speak of specific personnel problems, but rather systemic and structural issues. The heart of the findings are presented on page 14 of the report, stating specific strategies and suggestions, including 6 models of possible strategies should it be decided to change the current system.

Bill Guglietta commented that included in those 6 models are 2 models that should be disregarded. Those models include the suggestions that any new forensic services agency be housed under the RI Justice Commission or under a newly created Department of Public Safety. Since these suggestions are either inappropriate or unrealistic, Mr. Guglietta recommended that focus be solely on the other 4 models.

Ted Martin brought up the subject of the Medical Examiner's Office and how it would relate to any other entity in regard to chain of command, evidence chain, etc. He believes it to be a positive to have labs associated with the Medical Examiner's Office. He indicated there would be an increased cost if the plan were to have 1 location for all forensic services, yet if combining the crime lab and forensic labs, then the Medical Examiner's Office should probably be included in the scenario. Bill Guglietta asked if the Medical Examiner is currently considered part of the forensic services under the Department of Health, to which Mr. Martin responded affirmatively. It was stated that Dr. Nolan's perspective is that Department of Health forensic services include drug chemistry, DNA, toxicology and breathalyzer testing, as well as the Medical Examiner's Office. Dr. Ulliss commented that the opportunity now exists to start from scratch and try to unite forensic services in Rhode Island, including the Medical Examiner's Office so that evidence would not be shipped all over the state.

Discussion ensued in regard to what takes place in other states. Gina Caruolo indicated that one of the subcommittees formed would have the task of researching legislation and the structure of forensic services in other states.

Representative Mumford asked if there was 1 particular model favored by NFSTC. Ms. Caruolo responded that the model favored was that which would place the forensic services under the RI Justice Commission. After explanation to the evaluators it was determined that overseeing these types of services does not fit with the duties and responsibilities of the Justice Commission. The assessment did however mention several times the idea of forensic services falling under a criminal justice agency.

Ms. Caruolo asked for any input from the members in law enforcement and/or with the Criminalists Association. Det. DaSilva suggested that relationships and needs of all parties, along with the Medical Examiner's Office, be determined as we go along. Lt. Fioravanti expressed his concern regarding tying forensic services to law enforcement in light of the changed perception of law enforcement and forensics over the last 20 years. He suggested keeping more to an academic model or a health department model to give the appearance of a neutral, scientific approach to forensic science. Further discussion took place as to where forensic labs would best be placed. It was mentioned that if there were a civilian laboratory manager, scientific integrity would come from that person.

Dennis Hilliard asked the Committee members from the Health Department if there was a scenario where the department would be willing to give up the medical examiner to become separate under some general agency. Ted Martin responded that it would be a possibility.

Dennis also asked if the Rhode Island State Police had any reason why they would not want to oversee the forensic services.

Steve McCartney recommended that the Committee look at this issue from the aspect of what we need to do as a whole, the best organization and how to accomplish that. Discussion ensued regarding the State of Connecticut and their Public Safety Department, State Police and laboratory services. Given the size of Rhode Island, one of the problems with the present model is location. The best model, including location, would first need to be determined, possibly the concentration of one of the subcommittees. Mention was also made of accreditation, quality assurance and other issues from the needs assessment.

Bill Guglietta suggested that the Committee not rush the idealistic scenarios without being realistic. Our government is set up in categories so that those asking for resources are the criminal justice agencies that would be using the services. Those are the agencies that need to be at the table when it is time to make the pitch for support. Mr. Guglietta also noted that this issue would most likely need bonding or General Assembly financing, in which case there are different groups who deal with public safety issues versus other areas. Those who understand the needs of the criminal justice and forensics are scattered. Mr. Guglietta feels the Committee needs to be prepared to present cost, needs, and what is to be achieved to the General Assembly in January.

Gina Caruolo echoed Mr. Guglietta that in the long run criminal justice agencies may have more experience and would likely be a stronger advocate for the issues of forensic services. Where, in times of struggle for funding, the Health Department or University may have different priorities. Ms. Caruolo further stated that when times are tough and priorities are set, forensic services would always be a top priority for criminal justice agencies.

Joe Smith indicated he had asked the group from NFSTC if there were any advantages to having the forensic labs linked to the University. Only a couple of states are actually set up this way. Most are located in public safety or criminal justice type agencies. Mr. Smith strongly believes this should be the case in Rhode Island, while also building in efficiency, hierarchy and checks and balances. The problem in Rhode Island is that public safety is so fragmented between various agencies and there is no one strong voice addressing public safety issues. Mr. Smith also mentioned the possibility of the RI Justice Commission Steering Committee and Policy board approving the use of Byrne funds previously allocated for Justice Link, to help create new forensic laboratory facilities.

Dennis Hilliard indicated that there is currently a law enforcement committee that oversees the Crime Lab at the University. It was his opinion that this committee was not as forceful as should have been in gaining support and funding for the crime lab, but were it more supportive, the committee could act as an oversight committee under some criminal justice agency to oversee forensic services. Gina Caruolo stated that this is in line with one of the recommendations in the needs assessment which would place the forensic services under the State Police but with an oversight committee.

Robin Smith commented on the State of Connecticut accreditation, where funding was the bottom line so they chose to proceed in stages, starting a facility and adding to it later. She mentioned toxicology being the last stage of the building and then applying for accreditation; this being more affordable and more successful.

Representative Mumford asked how much should physical location be a part of discussion at this time. Ms. Caruolo responded that looking at physical locations would be something a subcommittee could work on, but we first need to come up with a general structure, determine how much space is needed and the type of space needed. Also, whether or not the medical examiner is to be included would need to be determined.

Dennis Hilliard expressed that he believes Dr. Carothers of the University would be willing to find space if it were decided that the crime lab and the Partnership with the University were to remain in place. He did indicate that the Partnership between the University and the Crime Lab could continue regardless of location so long as the University sees interest from students and programs to integrate labs.

Leroy Rose commented that the bottom line is who is going to provide the services. The crime lab will need teaching facilities for continual training of locals and state police, which is an integral part of the system in order to maintain quality. Ms. Caruolo responded that under any model there must be a strong training aspect for both law enforcement and forensic staff.

Lt. Fioravanti noted that under a criminal justice agency model, the choices of departments would be the Attorney General's Office, the RI State Police or even the Courts. Judge Rodgers responded that the main concern of the courts is in terms of gathering and presenting evidence and when results are available. The courts are at the other end of the spectrum where the concern is the timeliness of reports, etc. He stated that he is more intrigued by the comments made regarding the credibility of witnesses being very critical. He noted that he shares Lt. Fioravanti's view that in terms of credibility, doctors and scientists prove to be very competent witnesses. Judge Rodgers is not sure an association with a law enforcement agency is the way to go. He feels to give a measure of impartiality, someone needs to be perceived as not identified with any particular side – this also being the reason the Courts would not be a proper department for the forensic services.

Mike DiLauro indicated that research should be done as to what models exist in other states.

Bill Guglietta commented that tying labs to a criminal justice agency does not mean law enforcement testifying, it would still be the doctors and scientists. He feels the Department of Health's priority with forensic sciences is not as strong as it should be in trying to gain support. It is his opinion that the Committee must determine what criminal justice agency will embrace the project and want it enough to get the necessary support.

Leroy Rose asked about any potential sites for a new facility. Gina Caruolo responded that the group from NFSTC did go out and look at a few possibilities, including the hangars at the

State Police headquarters. The needs assessment also gave square footage recommendations based on the American Society of Crime Laboratory Directors (ASCLD).

Ms. Caruolo added that in forming the subcommittees the following tasks could be accomplished: choose a general model based how the lab is envisioned, including FTE's, space, etc.; determine what services need to be provided, who the users of the services will be, and what are their needs; and determine what is out there for physical locations, including inventory of available buildings, and central and secure locations.

Ted Martin suggested that the issue of the medical examiner should be resolved first in order to determine what exactly would be included in the new model and for purposes of space. Dr. Uliss added that there is a potential loss of evidence if evidence is looked at and packaged more than once. He feels everyone should be looking at the evidence together.

Dr. Uliss further noted that Robin Smith's point about taking a step by step approach may be appropriate since some issues that need to be dealt with would not be that difficult to accomplish. In order to become accredited there is need for quality assurance officers and we are a minimum of 2 years away from accreditation, which could be a problem that comes back to haunt. He expressed that some physical plant obstacles preventing accreditation could be addressed relatively inexpensively. There is also the need to find other ways of providing funding for FTE's, budgets, and some process to help stabilize what currently exists before moving forward. Dr. Uliss also added that they are now several FTE's lower than what is necessary for current services.

Dr. Hayes indicated that Dr. Nolan does not consider the forensic lab to be a low priority.

4. Formation of Subcommittees

Gina Caruolo suggested that since one particular model was not going to be chosen at this time, the Committee needed to create subcommittees to do some quick research on some of the issues discussed. One subcommittee would look at what a unified system would look like, including costs, needs, FTE's, etc. The subcommittee would be made up of those Committee members from the Health Department, the Crime Lab, and the Medical Examiner's Office, along with any other lab personnel. Afterwards this subcommittee would include those who use the various services, such as the law enforcement members and those with the Criminalists Association. Ms. Caruolo asked that this subcommittee come to the next meeting with some preliminary reports. Bill Guglietta added that an organizational chart would be very helpful showing how the Health Department and the Crime Lab see everything best organized.

Ms. Caruolo recommended that another subcommittee look at where forensic services are located in other states, under academic agencies vs. criminal justice agencies, location of actual budgets for these services, etc. This subcommittee would include Ms. Caruolo, Bill Guglietta, and Mike DiLauro. Steve McCartney suggested this would best be looked at based on the voiced concerns about locations within law enforcement agencies. Lt.

Fioravanti added that the Connecticut State Police model consists of primarily civilians. While Bill Guglietta added that a State Police model such as that one also provides the governmental representation needed to take it through the system to gain support.

Ms. Caruolo added that anyone with questions or looking for further information should feel free to call the people at NFSTC, who have offered their continued assistance.

Robin Smith asked a question in regard to a proposed organizational chart mentioned within the needs assessment. Page 17 references a Table 1 but the table is not shown. Ms. Caruolo said she would look into this.

Gina Caruolo reiterated the composition and duties of the 2 subcommittees. One being a structural subcommittee consisting of the members of the various labs who will later contact the various law enforcement people for their input. The other subcommittee would then be responsible for the bureaucratic research.

Steve McCartney stated he feels the Committee is on track with good issues and if the Committee stays focused on these issues first and answers the questions that have come up, we can move further along.

Gina Caruolo asked that the Committee meet again in 5 weeks, after subcommittees have met and can report some findings or recommendations. The next meeting was set for Wednesday, October 10, 2001 at 9:00 AM.

The meeting ended at approximately 10:30 AM.

**Forensic Science Services Committee
Minutes of the Meeting of
Wednesday, October 10, 2001
9:00 a.m. - Administration Building
One Capitol Hill
Providence, RI**

1. Welcome

Gina Caruolo welcomed everyone and called the meeting to order at 9:10 a.m. Introductions were made.

2. Attendance

Those attending the meeting included the following:

Dr. Robert Carothers, University of Rhode Island
Dean Donald Lentendre-University of Rhode Island - College of Pharmacy
Kathy Dennard, Governor's Office
Linda Haley, House Finance Committee
Dr. David Uliss, Department of Health, Forensic Sciences
Dr. Gregory Hayes, Department of Health
Ted Martin, Department of Health
Robin Smith, Department of Health
Shawna Bradshaw, Student
Dr. Elizabeth Laposata, State Medical Examiner
Rep. Carol Mumford, RI House of Representatives
Judith Kearns, Department of Attorney General
Chief Stephen McCartney, Warwick Police Department
Dennis Hilliard, State Crime Laboratory
Sgt. Dennis Pincince, RI State Police
Lt. Emil Fioravanti, Providence Police Department
Mike DiLauro, Public Defender's Office
Sgt. Napoleon Brito, Providence Police Department
Nick Pellegrino, State Fire Marshal's Office
Det. Mark Zabinski, R.I. Criminalists Association
Joseph Smith, RI Justice Commission
Gina Caruolo, RI Justice Commission
Kathleen Loiselle, RI Justice Commission

3. Approval of September 5, 2001 Minutes

Dennis Hilliard asked that on Page 4, Paragraph 3, Line, 1, the words *Rhode Island State Police* be changed to *RI Police Chiefs*.

There being no other changes, Dennis Hillard made a motion to accept the Minutes of September 5, 2001 as corrected. Dr. Hayes seconded the motion which was unanimously passed.

4. Other State's Legislation Regarding Forensic Services

Gina Caruolo advised that at the conclusion of the last meeting 2 subcommittees were created. One subcommittee would research what a unified system would look like including costs, needs, FTE's, etc. This subcommittee was made up of representatives from the Health Department, Crime Lab, and Medical Examiner's office. A second subcommittee was asked to research legislation and address where forensic services are located in other states. This subcommittee would include Ms. Caruolo, Bill Guglietta and Mike DiLauro. Ms. Caruolo noted that the first subcommittee would primarily be a structural subcommittee while the other would be responsible for research.

Ms. Caruolo distributed a 2 page summary describing forensic services legislation in other states. She advised that her research indicated that in most other states the predominant structure for forensic services is located within a Department of Public Safety in the Executive branch. If a state does not have a Department of Public Safety then the forensic services falls under the Division of State Police or State Patrol. Ms. Caruolo noted that the Medical Examiners Office seems to be on a county/community level in some states. In just a few states Forensic Services and Medical Examiner's services are together within a Department of Public Safety - a criminal justice agency. Ms. Caruolo stated that she will continue her research further and bring any additional information to the committee's attention.

Dr. Hayes distributed a 5 page document which included two organizational charts and two spreadsheets. The first organizational chart provided information on a consolidated facility to include all forensic services, and a Medical Examiner's office. A spreadsheet followed containing costs for current and future staffing. The second chart described the Medical Examiner's Office standing alone. This chart was followed by a personnel budget estimate for the current Medical Examiner's office. Dr. Hayes noted that the Medical Examiner could be located at different location or co-located and report to a different state agency.

Dr. Laposota advised that currently the Medical Examiner's office is fully staffed and their physical location is adequate.

Responding to a question from Joe Smith, Dennis Hilliard stated that he is in agreement with the 2 organizational charts as presented.

Dr. Uliss commented that he sees three choices: 1) Consolidate Services; 2) Medical Examiner's Office stands alone; and 3) Remove toxicology from Crime Lab. He added that it doesn't make sense to split these labs, and from an efficiency point of view to combine medical labs and separate the Medical Examiner's office.

Dr. Laposota commented that she would like to see Toxicology remain with the Medical Examiner's office because most tests are run on post mortem specimens. She also suggested that

it would be extremely unwise for the Medical Examiner's office to be relocated and be put under an umbrella of the State Police or another criminal justice agency.

Dennis Hilliard suggested that there should be one facility with both disciplines housed in the same location.

Dr. Uliss agreed that both should be in the same building and noted that the reporting hierarchy is a secondary issue.

Rep. Mumford inquired where the Medical Examiner's Office is located in other states.

Gina Caruolo noted that many are stand alones.

Dr. Laposota advised that the Medical Examiner's office usually stands alone or within a Department of Health or Social Services.

Lt. Fioravanti inquired why there were only 20 other state's researched.

Ms. Caruolo noted that the 20 states researched were the ones most easily accessed.

Dr. Laposota advised that she may be able to obtain more information.

Steve King inquired if there are cost estimates for all 3 categories.

Dennis Hillard responded that the cost estimate for a consolidated facility is \$8 million dollars.

Dr. Hayes noted that square footage estimates are contained in the consultant's report.

Gina Caruolo commented that all 3 cannot fit in the present location which would mean that the Medical Examiner's office would need to move and that would be very costly.

Dr. Hayes advised that it may be possible to add on to the DOH laboratory building.

Det. Zabinski suggested that a cost estimate be developed in this regard.

Gina Caruolo noted that the evaluator's looked at a former National Guard facility located in North Scituate, RI which are now State Police buildings.

Sgt. Pincince advised that the 2 buildings combined represent a total of 30,000 square feet. He added that both could be utilized and set up any way necessary to accommodate whatever facility is agreed upon. Sgt. Pincince pointed out, however, that this would be a huge capitol expense and because the buildings are located close to the Reservoir OSHA would need to be involved.

Robin Smith suggested that RI could continue to provide the best possible services and do what the State of Connecticut does and add on phase by phase. She indicated that it could take 2-5

years to accomplish, but would avoid the cost of a capital expenditure. Ms. Smith added that she could not foresee moving the Medical Examiner's office.

Gina Caruolo inquired if the State Police could provide a cost analysis on what it would cost to retrofit the 2 State Police buildings.

Sgt. Pincince stated that Lt. Trembl could perhaps provide a cost analysis but with the assistance of others.

Gina Caruolo stated that the consultants could be brought in for consultation in this regard.

Dennis Hilliard stated that he still recommends keeping the consolidated labs at URI without the Medical Examiner's office. He noted that Colonel Culhane suggested it would take someone to come forward and push for this project to be successful. With respect to the Colonel's suggestion, Mr. Hilliard introduced Dr. Robert Carothers, President of URI and Dean Donald Letendre of URI's College of Pharmacy.

Dr. Carothers stated that he is happy to have the RI Crime Lab as part of the University community. He added that a partnership was established with the lab and URI faculty, undergraduate students, and students in the field 3 years ago to work on problems associated with forensic science. URI also has a Minor Degree Program associated with this field. Dr. Carothers advised that URI would like to continue to grow in the area of forensic sciences. He added that the College of Pharmacy needs to build a new facility and will do so with the help of CVS and Brooks Pharmacy. The College of Pharmacy will be integrated with the forensic sciences.

Dean Letendre stated that he is new to the university, but noted that it is clear that there is a rich history between the forensic lab and URI. He added that the College of Pharmacy is committed to providing whatever is necessary to the crime lab. He indicated that the university has a firm resolve to build a new College of Pharmacy. Dean Letendre stated that he is convinced that through consolidated efforts within the University the needs of the crime and forensic lab can be met. He reiterated the strong commitment of the College of Pharmacy to the URI Crime Lab.

Gina Caruolo stated that many discussions have taken place relative to where the crime lab should be located. Some think that it should be located in a criminal justice agency. Others think that it would be better in a non-criminal justice agency. Ms. Caruolo pointed out that even if the crime lab relocates to another location, their ties with URI would never be broken especially with respect to education.

Dr. Uliss stated that he appreciated URI's remarks. He acknowledged that the research capabilities at URI are renowned, but stated that URI should be limited to education and research, and services to law enforcement agencies should be located separately. Dr. Uliss noted that there is a clear difference between these areas. He added that no one would be interested in decreasing URI's or DOH's role, but the lab should be housed separately as a service for law enforcement agencies.

Dennis Hilliard noted that the crime lab answers to URI and to the State Crime Lab Commission which is by law. He added that the Commission will continue to oversee the lab no matter where it is located and whether it is funded by the Attorney General's office or some other criminal justice agency.

Dennis Pincince inquired how URI would feel about having a building on their campus that is governed by the RI State Police or some other law enforcement agency.

Dr. Carothers noted that URI has a number of facilities on campus such as group homes and a bio-technology facility that it does not manage. He added that URI provides the land and a lease agreement is signed. Dr. Carothers advised that in order for the arrangement to work properly, the mission must be very clear when signing an agreement. He added that as long as the facility is available to students and faculty, URI has no problem with a facility being housed on campus.

Dr. Laposota noted that security is needed for any facility no matter where it is located. She added that since law enforcement will need to drive to a facility it should be located in a good geographic location.

Sgt. Brito agreed and noted that a one-stop location in a central location would be helpful to police departments. However, he agreed that quality should be the deciding factor.

Gina Caruolo summarized and stated that 2 issues had been identified. One issue relates to the facility itself and the other to the structure. Ms. Caruolo asked that the State Police come up with a rough cost analysis for their 2 buildings and identify any associated problems. She asked URI to explore structural possibilities as well.

Ted Martin suggested that the feasibility of expanding the Chapin Building also be explored.

Dennis Hilliard noted that it is estimated a new facility would cost roughly between \$250-300 a square foot.

Robin Smith stated that using an existing building may be better in terms of acquiring federal grant monies.

Dennis Hilliard noted that the federal government does not fund bricks and mortar.

Dr. Carothers suggested that Senators Reed and Kennedy may be able to help with funding over a few sessions of Congress if they are committed to this project.

Dr. Hayes stated that the existing State Police buildings need renovating and there would be added on costs as well.

Sgt. Pincince stated that the goal is to design some type of forensic science facility. He added that maybe Plan A could be directed at finding the best possible site, and Plan B,C, or D may speak to other situations.

Gina Caruolo stated that the facility should be addressed on one side and the structural aspect of consolidating services needs to be discussed further.

Colonel McCartney suggested that a decision needs to be made on a model in order to move forward. He added that there needs to be a decision on what model will best suit the State of Rhode Island.

Sgt. Pincence agreed and added the committee should work from the model down.

Colonel McCartney stated that the committee needs to agree on one model. He added that the Needs Assessment states it clearly.

Ted Martin agreed with Colonel McCartney.

Colonel McCartney commented that URI is an academic model and there is a State Police model. He added that it needs to be determined what is the best model for the State of Rhode Island. Colonel McCartney stated that after that a discussion can take place relative to a facility.

Dr. Laposata inquired if it was possible to create a new department.

Gina Caruolo responded that nothing has been ruled out.

Dr. Hayes noted that these options were all discussed in the consultant's report.

Dennis Hilliard inquired if the committee could ask for a Department of Public Safety.

Colonel McCartney reiterated that the committee should be considering 3 models: a facility at DOH, State Police or URI. He added that a decision should be made at the next meeting on one of these models.

Dr. Hayes agreed that the committee should review all 3 models and bring their recommendations to the next meeting.

Mr. Pellegrino suggested that the committee should check on other state models. He added that Dr. Lee of Connecticut is a good resource.

Colonel McCartney stated the committee needs to consider the uniqueness of the State of Rhode Island. He noted that this facility will be a state level organization. Colonel McCartney suggested that the committee use the study as a basis. He agreed that other states have great ideas, but the committee should not lose the focus of the report.

Lt. Fioravanti suggested that the ideal situation would be something that combines URI and DOH overseeing the project.

Sgt. Pincince stated that it is possible to have a lab under a law enforcement agency but with a review committee. He added that with this approach we can better utilize grant funds for funding FTE's.

Gina Caruolo asked the committee to review all 3 models. She indicated that she will contact committee members and perhaps even schedule small subcommittee meetings. Ms. Caruolo noted that the long-range plan needs a lot of work.

Rep. Mumford advised that she will take the information to the legislature, but she cautioned that it is important that a unified opinion of the committee be brought forward or it will not be taken seriously. She added that the price tag for the building is something that should also be addressed.

Gina Caruolo acknowledged that renovating the State Police buildings will be extremely costly. She encouraged the committee to evaluate the pros and cons of each model and make recommendations at the next meeting.

5. Set Next Meeting/Adjourn

The next meeting was scheduled for Wednesday, November 7, 2001 at 9:00 a.m. at a conference room to be announced.

No other business was discussed and the meeting was adjourned at 10:22 a.m.

Respectfully submitted,

Kathleen M. Loiselle
Recording Secretary

Approved:

Gina Caruolo
Chair

Approved:

Joseph E. Smith
RIJC Executive Director

**Forensic Science Services Committee
Minutes of the Meeting of
Wednesday, November 7, 2001
9:00 a.m. - Administration Building
One Capitol Hill
Providence, RI**

Welcome

Gina Caruolo welcomed everyone and called the meeting to order at 9:15 a.m.

Attendance

Those attending the meeting included the following:
Dr. David Uliss, Department of Health, Forensic Sciences
Ted Martin, Department of Health
Dr. Elizabeth Laposata, State Medical Examiner
Rep. Carol Mumford, RI House of Representatives
Rep. Kenneth Carter, RI House of Representatives
William Guglietta, Department of Attorney General
Judith Kearns, Department of Attorney General
Chief Stephen McCartney, Warwick Police Department
Dennis Hilliard, State Crime Laboratory
Sgt. Dennis Pincince, RI State Police
Lt. William Labossiere, RI State Police
Lt. Emil Fioravanti, Providence Police Department
Mike DiLauro, Public Defender's Office
Det. Mark Zabinski, R.I. Criminalists Association
Joseph Smith, RI Justice Commission
Gina Caruolo, RI Justice Commission
Gina Tocco, RI Justice Commission

Approval of October 10, 2001 Minutes

Gina Caruolo indicated that everyone should have received the minutes of the last meeting. There being no recommended changes, Rep. Carol Mumford made a motion to accept the Minutes of October 10, 2001. Chief McCartney seconded the motion which was unanimously passed.

Discussion of Coordinated Forensic Services Model Proposals

Gina Caruolo began discussion in regard to the draft summary that was e-mailed to everyone on Monday. This summary document represents what the committee has looked at so far and the mission of the Steering Committee.

Ms. Caruolo indicated that, since the last meeting, she and Joe Smith have visited various agencies to conduct interviews. The findings of these interviews are summarized in the document which will be presented to the Steering Committee next week. Ms. Caruolo then asked if anyone has any comments or recommended additions.

Dr. Uliss stated that one major finding from NFSTC was the lack of accreditation. He indicated that one recommendation, which should be added to the summary document, is to get the laboratories accredited. Gina Caruolo noted that she would add the issue of accreditation, which includes the need for a quality assurances officer and the possible need for physical alterations to some buildings.

Sgt. Pincince discussed number 5 on page 6 of the summary document, Director of Forensic Services and Forensic Examiners. He felt that the statement about examinations not being done by sworn law enforcement officers, should be eliminated. Gina Caruolo stated that those people interviewed made it clear that there is a need for separation, that even if forensic services fell under a law enforcement agency, in no way should the BCI services be mixed with laboratory services. Personnel in the laboratories would remain civilian in order to maintain the perception of impartiality.

Sgt. Pincince went on to describe the situations in Massachusetts and Connecticut and discussed the fact that in many cases there are local or state police departments who have court qualified individuals for forensic services.

Gina Caruolo indicated that law enforcement officers are generally testifying on behalf of police departments, not on behalf of the state laboratory. This may cause problems in the future.

Dennis Hilliard agreed with Sgt. Pincince that qualified troopers could work in the laboratory environment. There may be a need to allow law enforcement officials to conduct some specialized services as long as they are qualified to work in a laboratory alongside chemists and toxicologists.

Dr. Uliss also agreed and stated that the origin of the materials comes from the crime scene and the police officers. What the labs get for evidence is only as good as the officers at the crime scene. Dr. Uliss felt it would benefit the integrity of evidence if police departments were more connected.

Lt. Fioravanti suggested softening the recommendation in the summary document to include that if there are some specialties that are not performed by other lab personnel, they may be done solely or exclusively by police officers.

Bill Guglietta inquired as to the structure and the law enforcement perspective. He asked if the law enforcement officers would be assigned to the lab or on loan to the lab. Dennis Hilliard responded that in other states the labs are generally part of a state police department and sworn officers are assigned to the lab.

Mr. Guglietta posed a scenario whereby an existing state trooper would have his own salary in the state police budget however all lab expenses fall under a separate line item, including lab personnel. All would answer to the civilian director. In this regard would the trooper's salary be transferred to this lab line item? Mr. Hilliard took this example further and indicated that the trooper's salary would be tied to his/her rank and a civilian in the lab would have a salary at the same level. Mr. Hilliard also indicated that the Director of the lab would answer to the Colonel of the State Police.

Bill Guglietta suggested that the structure needs to be more thoroughly thought out including how to deal with issues that may be affected by hierarchy.

Lt. Fioravanti commented that the issue is not so much who the individuals are but more importantly who are they reporting to. It may become an issue if the situation were a police officer reporting to another police officer who is running the lab. There would need to be a clear-cut expectation of the Director, as a civilian, to separate the two and remain impartial, no matter if the lab is housed or administered by the State Police.

Sgt. Pincince inquired about the Colonel's indication that he would not be opposed to a civilian director, who would report to the Colonel, along with a forensic services advisory committee. Gina Caruolo stated that in fact Colonel Pare, during his interview, was insistent on both issues.

Dr. Ulliss added that the Director of the crime lab must have full authority in overseeing any/all lab employees.

Gina Caruolo noted that she will soften and clarify that section of the summary document but she also wanted it noted that some people interviewed did express the opinion that examinations should not be done by sworn law enforcement officers.

Joe Smith commented that when he and Ms. Caruolo were conducting interviews, the issue was generally perception. An independent state crime lab would work closely with all police department BCI's, etc. but once responsibility got to the crime lab door, it would be assumed by the state crime lab agency. The indication now has become that if there is a civilian director, a clear chain of command and quality control assurances, the law enforcement perception would stop.

Sgt. Pincince noted that it is his belief that the perception from a jury is that a police officer is more effective and reliable than any civilian.

Bill Guglietta indicated that the Committee is focusing on law enforcement vs. non-law enforcement when it should be focusing on competency vs. non-competency. He noted that the roles of the Public Defender and the Attorney General should bring out the impartiality.

Mike DiLauro commented that the scandals seen over the last few years have almost always come out of labs that are part law enforcement. He felt the problem is bigger than perception.

Sgt. Pincince spoke about an open lab policy, open for prosecution and defense attorneys to ask questions.

Mike DiLauro further stated that it has been his experience that different lab facilities have different policies regarding access. He commented that he has had a difficult time getting access to staff of the Medical Examiner's Office whereas Dennis Hilliard at the State Crime Lab has more of an open door policy. Dr. Laposata, the State Medical Examiner, explained exactly what their policy is and indicated that anyone should contact her directly if they run into problems.

Chief McCartney noted that the Committee's argument keeps jumping from one level to another – arguing about the model and/or arguing about who staffs the model. In his opinion, with a mix of civilians and law enforcement, he does not see a credibility problem. He further noted that if the Committee is concerned about quality control then there should not be a problem with either law enforcement officers or civilians as long as they are qualified. He also indicated that the Committee still has not made a basic level decision on the model.

Dr. Uliss indicated that quality assurance standards would ensure that a person is qualified to do the job and to do it without bias. Whether services are performed by police officers, Health Department employees or in the University setting, if a quality assurance program is in place and operating properly, it can be presented in court, that qualified people performed examinations. Dr. Uliss also noted that ASCLD or ISO standards would include the internal checks that would need to be done to ensure jobs are being done properly and without bias.

Det. Zabinski stated that when any form of forensic application is performed, opinions will be based on the methodology used and the policies of the organization. The quality assurance standards exist to take care of the bias and perception issues.

Gina Caruolo distributed a letter received by the RI Justice Commission from Dr. Laposata of the Medical Examiner's Office, indicating their role in the consolidation.

Ted Martin indicated that although the summary document included information from various interviews with Health Department employees, the position of the Health Department should be made clear. He stated that the Health Department places value not with where the services should be located but rather that it is very important for the services to be consolidated. They feel there are valid reasons for forensic services to fall under the Health Department, and they would be ready to take this on, but they also agree that there are valid reasons for services to fall elsewhere. Mr. Martin also indicated that the Health Department strives to support all of its units including forensic services.

Gina Caruolo noted that she will make adjustments accordingly to the summary document.

Det. Zabinski commented that as forensic services first came about in RI, the decision had to be made where the unit would be located. Since the services at the time were on a small scale, the

decision was made to piggyback on some department or unit. Then as new things come about in forensic services, it became large enough to create a stand alone unit. At this point in time, forensics has grown to the point where one large unit can consolidate all the services and be put together either as its own entity or under another agency.

Dr. Uliss indicated that years ago the state looked to consolidate all laboratory services. A building was set up to have the basis for this consolidation of all laboratory services, including forensic services. One possibility would be to expand the current lab facilities in Providence where many laboratory services are already located together. This is also where the Medical Examiner is currently located. This would be speaking geographically, under whom the forensic services would fall is a separate issue.

Ted Martin agreed with Dr. Uliss and noted that it makes sense to talk about the short term – bringing all laboratory services to one location. Which could possibly be done within the existing Chapin building. Forensic services would then be located along with the Medical Examiner's Office and the administrative structure could remain the same for the time being and then altered later. A situation such as this may also eliminate the duplication of services, such as toxicology. This would mean bringing the State Crime Lab up to Providence for now and then determining a new building/location down the line.

Det. Zabinski noted that there are problems with the design of the current building, including chain of custody and security issues. He further noted that in terms of administrative structure, if the forensic services were to fall under the Health Department and then there were to be financial crisis, you never know where cuts will end up being made.

Ted Martin indicated he was speaking strictly of physical location, not administrative structure.

Dr. Uliss commented that the current physical plant has barely enough space as it is. Steps would need to include first setting up the quality assurances and then planning another building adjacent to the Chapin Building to house forensic services where sharing of some services could help with cost issues. He added that it is not feasible to bring up any other services, such as the Crime Lab, to the current building.

Lt. Fioravanti suggested that the Committee not get caught up in who is going to staff the unit but rather get back to making a decision towards which model should be recommended.

Bill Guglietta indicated that whatever happens, and where ever it is located, it will be a monumental decision to be made by our government. The plan has to be well thought out. In order for the government to go ahead and commit to and implement a plan it must take into account what is best for RI, cost issues, and implications to administrative structure. He added that despite the reality of budget constraints, the Committee needs to determine a plan that will work best (the best system for forensic science) in any situation, in any economy.

Gina Caruolo stated that this Committee would be presenting to the RIJC Steering Committee what has been discussed thus far. In other words, the Forensic Science Services Committee has scratched the surface, and this is what is being found. After presenting to the Steering

Committee, the key players at that table will need to make a commitment to a plan as well as giving this subcommittee some further direction.

Bill Guglietta suggested capitalizing on some strengths that are already in existence. He agreed that the Steering Committee should look at the accreditation suggestion of Dr. Uliss. This would determine what can be done in the immediate future regarding quality assurances, equipment needed, staff needed, and then determine what can be done down the line in terms of new building, etc. There would be many steps necessary for forensic services to get to the goal.

Joe Smith added that the first step should be to determine where these services should fall – a theoretical model determined.

Bill Guglietta advised that the people at the Steering Committee table need to be the ones making the decisions as to what is best for RI. Decisions and various arguments need to be made before that committee rather than before the actual policy makers. Dr. Uliss and Rep. Mumford agreed.

Sgt. Pincince inquired as to whether or not partnership type models were discussed. He noted that this may be more palatable to bring before the Governor or the Legislature. From what he has seen in other states forensic services are either consolidated under one structure or they are separated all over the place like RI is now.

Mike DiLauro mentioned the information he has come across for California shows a need/desire to consolidate services at the city/sheriffs or city/county levels. He noted that a new building is being constructed at UCLA, which will contain a number of labs. He indicated that he would forward copies of the report or the executive summary to Committee members.

Chief McCartney stated that we may be comparing apples to oranges with California and RI. He suggested that we look at who we are and the uniqueness of RI with its small geographic size and less levels of bureaucracy.

Lt. Fioravanti and Chief McCartney recommended that the Committee begin to focus on one or two models, with the partnership model as a possibility.

Sgt. Pincince indicated that he met with Dean Letendre from URI in regard to a partnership situation and the issues of land and funding. They discussed a teaching facility, forensic science wing, grant funding possibilities and the concept of the State Police running the agency on the URI campus. The College of Pharmacy was mentioned as a possible funding source. It was also determined that, under this scenario, the administrative structure would be the responsibility of the State Police and the University would just be the location.

Dennis Hilliard mentioned the possibility of Byrne Grant funding if this project was picked up by the Steering Committee, as the Justice Link project comes to an end. Mr. Hilliard also mentioned that he did run cost figures on this scenario (lab without ME's office included) - \$8 million today and \$10 million in 3 years due to inflation. He distributed spreadsheet delineating these costs.. Mr. Hilliard noted that many people feel the State Police model with an advisory

committee would work. The details of who would report to whom would have to be worked out, as well as mixing civilians with law enforcement personnel.

Gina Caruolo stated that of the three models, there was very little support for the forensic services to be administered by the University. This narrows it down to the two models administered by the State Police or the Health Department. She asked the Committee if they want to make a formal recommendation to the Steering Committee in regard to which model or should they only be given the summary of what has been discussed thus far. Ms. Caruolo also asked if anyone had any further questions on the different administrative models.

Lt. Fioravanti asked the Committee to further discuss the State Police/URI model. He noted that the State Police would begin an administrative structure and the end goal would be developing a facility, possibly in partnership with URI.

Dr. Laposata mentioned local police having reservations about taking their evidence to a State Police run facility. Lt. Fioravanti agreed and indicated that he foresees this as an issue. Chief McCartney noted that the civilian director and quality assurance should help. He has not yet had a serious discussion on this with the police chiefs.

Bill Guglietta commented that in the administration of an agency there can be different philosophies. It can be a burden to the administering facility and conflicts may arise between groups. He added that in this case there is also a third arm, the advisory committee. Mr. Guglietta noted that the administering agency may not anticipate some conflicts down the line, such as union concerns, outside agency concerns, civilian issues, funding, and other administrative concerns.

Ted Martin discussed the forensic advisory committee within the context of the State Police. The Colonel of the State Police would be part of this policy-making committee. The Attorney General currently chairs the committee in place to oversee the URI lab. Gina Caruolo noted that Colonel Pare felt this advisory committee is very important, especially in regard to the local police departments. She also noted that many other states have this type of policy-making committee.

Lt. Fioravanti again asked the Committee to focus on narrowing down the models and asked to hear more about each in order to make a decision on which to recommend.

Dennis Hilliard described an ideal crime lab functioning on its own, reporting directly to the Governor. He indicated that the next best thing, and what is used in most states, is a State Police model. This would allow the forensic services to fall under an agency with a similar mission. Two things the State Police would provide are cooperation in terms of the mission and also a strong body to ask for funding. Mr. Hilliard also noted that forensic services may benefit from grant funding available, such as NCHIP, by being associated with a law enforcement agency and equipment may have dual use. There are other grants as well that are available for law enforcement which could then overlap for the lab.

Mr. Hilliard felt that any nuances could be worked out and he indicated that sections of the lab are highly dependent on candidates from law enforcement backgrounds. He also noted that finding qualified people is tough and many law enforcement officers could be very qualified. Mr. Hilliard also discussed the link to the University, how it is a mechanism for bringing people into the science and how being closely located help in providing instructors as well.

Lt. Fioravanti stated that the issue would not be who is doing it but who is the masthead and if the lab has some autonomy or some advisory committee and quality assurances, then perceptions should not be an issue.

Sgt. Pincince indicated that he felt the Colonel would dedicate time to ASCLD accreditation. He noted that the administrative running of the forensic services agency would be determined by ASCLD standards. Gina Caruolo stated that she had not discussed this issue with the Colonel. The had talked about the state administrative structure and the need to keep BCI separate.

Gina Caruolo indicated that the Committee should take a position and vote on a model. The wording of a motion was discussed to include the administrative structure developed by the State Police, consisting of a civilian director and a forensic advisory committee.

Steve King suggested including the goal of accreditation. Bill Guglietta indicated that the policy making advisory committee should be the ones to grapple with the issue of accreditation. Lt. Fioravanti stated that including the goal of accreditation in the recommendation is what dispels the perception issues. Mr. Guglietta further stated that authority of the forensic advisory committee would be taken away if they are told to become accredited, they need to determine if that is to be a goal.

Gina Caruolo indicated that this may be an issue for the Steering Committee. The steps toward accreditation may be a project on its own, regardless of the issue of consolidation. Ms. Caruolo suggested wording the motion to include working towards the goal of the NFSTC needs assessment recommendations. It was determined that two separate motions would be made.

Dennis Hilliard made the motion that:

THIS COMMITTEE RECOMMENDS AN ADMINISTRATIVE STRUCTURE OF CONSOLIDATED FORENSIC SERVICES ADMINISTERED BY THE RHODE ISLAND STATE POLICE, WITH A CIVILIAN DIRECTOR AND A FORENSIC ADVISORY COMMITTEE.

This motion was seconded by Chief McCartney. All were in favor, with one abstention – Ted Martin, Health Department.

Dennis Hilliard also made the motion that:

THIS COMMITTEE HIGHLY RECOMMENDS THAT THE RHODE ISLAND JUSTICE COMMISSION STEERING COMMITTEE ASSIST IN FINDING FUNDING TO IMPLEMENT THE RECOMMENDATIONS PRESENTED TO THE RHODE

**ISLAND JUSTICE COMMISSION BY THE NATIONAL FORENSIC SERVICE AND
TECHNOLOGY CENTER (NFSTC) REGARDING THE STATE CRIME LAB AND
THE DEPARTMENT OF HEALTH FORENSIC LAB ATTAINING ACCREDITATION.**

The motion was seconded by Chief McCartney and all were in favor, no abstentions.

Gina Caruolo indicated that this will be presented to the Steering Committee along with the revised summary and recommendations. She noted that the Steering Committee will also be given an opportunity to look at the minutes from the Forensic Science Services Committee meetings.

Joe Smith welcomed everyone to attend the Steering Committee meeting, which will take place on Wednesday, November 14 at 8:30 AM in Conference Room B.

Bill Guglietta suggested that, assuming the Steering Committee accepts the recommendations, this group should start thinking about location. Dennis Hilliard indicated that he has put something together. Gina Caruolo added that the Health Department should look at a proposal and that independent locations, using state land/buildings were also going to be considered.

Set Next Meeting/Adjourn

The next meeting was scheduled for Tuesday, December 18 at a conference room to be announced.

No other business was discussed and the meeting was adjourned at 11:00 AM.

Respectfully submitted,

Gina M. Tocco
Recording Secretary

Approved:

Gina M. Caruolo
Chair

Approved:

Joseph E. Smith
RIJC Executive Director

FORENSIC SCIENCE SERVICES COMMITTEE
Minutes of the Meeting of
Tuesday, December 18, 2001
9:00 a.m. – Administration Building
One Capitol Hill
Providence, RI

1. Welcome

Gina Caruolo welcomed everyone and called the meeting to order at 9:15 a.m.

2. Attendance

Those attending the meeting included the following:

Ted Martin, Department of Health
Rep. Carol Mumford, RI House of Representatives
Chief Stephen McCartney, Warwick Police Department
Dennis Hilliard, State Crime Laboratory
Sgt. Dennis Pincince, RI State Police
Lt. Emil Fioravanti, Providence Police Department
Mike DiLauro, Public Defender's Office
Nick Pellegrino, State Fire Marshal's Office
Joseph Smith, RI Justice Commission
Gina Caruolo, RI Justice Commission
Judy Kearns, RI Department of Attorney General
William Guglietta, RI Department of Attorney General
Captain Brendan Doeherty, RI State Police
Det. Mark Zabinski, RI Criminalists Association
Steve King, Representing Presiding Justice Rodgers
Bill Labossiere, RI State Police

3. Approval of November 7, 2001 Minutes

A Motion was made to approve the minutes of the November 7, 2001 by Rep. Mumford, seconded by Dennis Hilliard.

Gina Caruolo stated that at the last meeting two recommendation were made to bring to the Justice Commission's Steering Committee that involved, (1) accreditation of the Lab, (2) consolidation of facilities with the Lab operating under the Rhode Island State Police with a civilian director and an advisory board.

These recommendations were approved by the Steering Committee. Colonel Pare was present at the Steering Committee meeting and advised of his support and willingness to work with the Committee. Colonel Pare has assigned Captain Brendan Doeherty to sit on this Committee.

4. Introduction – Captain Brendan Doherty, RI State Police

Introductions were made to Captain Doherty, who then addressed the Committee. He stated that Colonel Pare was in New York and could not be present for the meeting but advised that the Rhode Island State Police are on board to oversee the Lab and that the chosen director would report directly to the Superintendent of the Rhode Island State Police. He assured there would be no interference through the chain of command and that an organizational chart of their Department would be forthcoming.

5. Discussion of Consolidated Agency – Director and Advisory Committee

A handout was presented to the Committee outlining Georgia, New York and Idaho's statutes on forensic services concerning consolidation of services, discussion of an executive director and an advisory committee. New York had extensive wording. Issues of responsibility, who appoints, term of service, serving at the pleasure, relationship of the structure was brought to the table.

The first area of question was who would appoint the Director and what his/her term would be? Would it be a term to serve or would it be at the pleasure of the Superintendent of the Rhode Island State Police? It was mentioned that the Rhode Island State Police just hired a Witness Protection Coordinator who works out of the Attorney General's Department. The Witness Protection Board interviewed candidates and names were submitted to the Superintendent of the Rhode Island State Police because the coordinator ultimately works for the State Police. The process worked well.

It was suggested that the Advisory Committee should have the final say of who the Director of the Lab should be.

Dennis Hilliard stated the selection should not be made by the Superintendent of the Rhode Island State Police but by a search committee. The power to select the best candidate is through a search committee and the recommendation of the search committee would go to the advisory committee, after such criteria is met by the Superintendent of the Rhode Island State Police, then the advisory committee can vote the person(s) up or down. (It was suggested to refer to RIGL 12-1.1 and 12-1.2 when forming this).

Brendan Doherty stated that he believed the Superintendent of the Rhode Island State Police should have the final say in the hiring of the Director.

It was discussed that the Advisory Committee could pick several candidates and send those names to the Selection Committee who would select the top five candidates who then would send those top five candidates' names to the Superintendent of the Rhode Island State Police to make the final decision.

This Committee then agreed to recommend that the Advisory Committee would select the Search Committee who would give the top several number of candidates to the Superintendent of the Rhode Island State Police who will then make the final decision.

Discussion ensued regarding whether the Director for the Lab will serve a term or at the pleasure of the Superintendent of the Rhode Island State Police. Currently, the Director serves a five-year term that is subject to reappointment or removal.

The Committee agreed to recommend that it should be left up to the Advisory Committee to set the qualifications.

Representative Mumford stressed that the legislation should be as brief as possible.

Discussion then turned to the overall makeup of the Advisory Committee. Presently the Commission is made up of seven members, four being from the legislature. It was agreed by all that it should be a well-rounded group of individuals who sit on the Advisory Committee who can bring various levels and degrees of expertise from their department/agency. It was agreed as to the following individuals:

- Colonel of the Rhode Island State Police
- Attorney General
- Public Defender
- President of the RI Police Chiefs Association
- Director or Designee from the Department of Health
- Dean of College of Pharmacy (URI)
- Fire Marshal
- A member of the RI Criminalist Association
- (2) Members from the House of Representatives
- (2) Members from the Senate

Further discussion arose about possibly bringing another member to sit on the Advisory Committee and that individual being named from the public bar. It was discussed that this individual should not be pro prosecution or pro defense, but someone maybe from the civil bar who could bring issues to the table that a criminal attorney may not be as versed on. Several objections were made as to why this individual would be necessary. It was suggested that the Attorney General and the Public Defender come to a general consensus on who would be appointed to the Committee.

The matter could not be agreed on and seeing as though several members of this Committee had to leave the meeting to attend a funeral, the discussion was tabled until the next meeting when all members were present.

Before the Committee adjourned, Ted Martin from the Department of Health asked when geographic location would be discussed. Gina Caruolo responded that this issue would continue at the next meeting.

6. Set Next Meeting/Adjourn

The next meeting was penciled in for Wednesday, January 16, 2002 at 9:00 at the Department of Administration. No conference room had been determined at this time. Members would be notified beforehand.

A Motion to Adjourn was made, seconded by Representative Mumford.
Meeting adjourned at 10:45 a.m.

FORENSIC SCIENCE SERVICES COMMITTEE
Minutes of the Meeting of
Tuesday, January 29, 2002
9:00 AM – Administration Building
One Capitol Hill
Providence, RI

Welcome

Gina Caruolo welcomed everyone and called the meeting to order at 9:05 AM.

Attendance

Those attending the meeting included the following:

Dr. David Uliss, Department of Health, Forensic Sciences
Dr. Gregory Hayes, Department of Health
Ted Martin, Department of Health
Robin Smith, Department of Health
Dr. Elizabeth Laposata, State Medical Examiner
Rep. Carol Mumford, RI House of Representatives
William Guglietta, Department of Attorney General
Judith Kearns, Department of Attorney General
Dennis Hilliard, State Crime Laboratory
Mike DiLauro, Public Defender's Office
Det. Mark Zabinski, RI Criminalists Association
Captain Brendan Doherty, RI State Police
Sgt. Dennis Pincince, RI State Police
Steve King, Representing Presiding Justice Rodgers
Kathy Dennard, Office of the Governor
Linda Haley, House Fiscal Advisory Staff
Joseph Smith, RI Justice Commission
Gina Caruolo, RI Justice Commission
Gina Tocco, RI Justice Commission

Prior to the items on the agenda, Dennis Hilliard mentioned information he had regarding the Crime Lab Improvement Program (CLIP) funds. He indicated that there was \$35 million in forensic funding through the National Institute of Justice (NIJ) and that out of that \$35 million, \$29.5 million has already been dispersed. The remaining \$5.5 million and an additional \$5 million through the Coverdale Science Improvement Act would have to be applied for and would most likely require lobbying through the various RI Congressmen.

Bill Guglietta asked if anyone has put together any proposals thus far. Dennis Hilliard indicated that there is also a separate \$35 million pool for DNA backlog reduction. Dr. Uliss and Dr. Hayes indicated that the Health Department has applied for the DNA backlog reduction funds

but did not apply for the funds that would allow for the opening of closed cases. They also noted that these funds do not cover personnel costs.

1. Approval of December 18, 2001 Minutes

Gina Caruolo indicated that everyone should have received the minutes from the last meeting. No comments or recommended changes were made.

2. Continuation of Discussion on Advisory Committee Structure for Consolidated Agency

Gina Caruolo discussed what was covered at the last meeting, including the make up of an advisory committee. She indicated that certain positions had been agreed upon as being necessary on that committee. It was undetermined as to whether there should be an additional position for someone from the legal community. This would be in addition to the Public Defender and the Attorney General and would be a person from the private sector with some background and knowledge of forensics. Ms. Caruolo further noted that this decision could be left as undecided in the report to the RI Justice Commission Steering Committee.

Dr. Hayes inquired as to the conclusion the Committee had come to on this issue at the last meeting. Gina Caruolo indicated that the Committee did not reach a final conclusion but had discussed there being a representative for the Attorney General, a representative for the Public Defender and then possible an additional member of the RI Bar chosen by some combination based on forensic experience.

Mike DiLauro asked if the statutes handed out at the last meeting for Georgia and New York included details as to their advisory committee memberships. Gina Caruolo responded that those as well as many other statutes do include language defining the make up of the advisory committees. Bill Guglietta noted that rather than waste the time of the entire Committee, he and Mike DiLauro will meet to discuss this further and try to come to some agreement. Gina Caruolo noted once again that this issue could be left as a decision to be made down the line.

3. Discussion of Geographic Location for Consolidated Agency

Gina Caruolo began the discussion regarding geographic location for a consolidated agency. She indicated that the Committee needs to look at this issue from a comprehensive level in order to have feasible possibilities to report to the RI Justice Commission Steering Committee. Ms. Caruolo stated that she had spoken to a few agencies on this matter and that the main conclusion was that while Quonset Point was originally thought to be a possibility, there is really not an enormous amount of usable space there. Quonset Point does have two large buildings but it is the intention of the Economic Development Corporation to tear them down for reasons including asbestos contamination.

Dr. Hayes indicated that past mention had been made of the possibility of the National Guard buildings at RI State Police. Sgt. Pincince noted that problems may arise due to the proximity of the Scituate Reservoir. There may be a lot of logistics to overcome. He also noted that OSHA and septic specialists would have to be involved.

Rep. Mumford inquired as to whether or not URI would then possibly have the same issues being that they have a private septic system.

Sgt. Pincince noted that labs with a significant amount of chemicals will need to have proper disposal methods.

Rep. Mumford also asked if there is a major problem currently at URI with the proximity to so many students. Dennis Hilliard responded that there are many rules and regulations the labs have to follow. He also noted that very few chemicals are used and many are dispersed into the atmosphere.

Dr. Uliss commented that combining labs would create more effluence which would have to be dealt with according to the many rules and regulations from DEM, etc.

Mr. Hilliard indicated that everyone in the labs has to be trained and educated in waste disposal procedures. He also noted that nothing of toxic origin is generally going down the drains (unless diluted according to procedure) and there are separate companies that assist in the removal of biohazardous waste. Dr. Uliss added that there is a need to consider and be careful of pH levels of acidity in trace solvents.

Dr. Hayes stated that there is a need to further investigate the RI State Police facilities. Sgt. Pincince agreed that there is plenty of space available and they will look into the issue of the reservoir.

Dr. Hayes also indicated that the Department of Health has recommended space available within their facility. Ted Martin handed out a report including three proposals. These proposals look beyond the basic issue of organizational and administrative structure, assuming administration by the RI State Police. Summarized, these proposals include: 1) leaving the Crime Lab and Dept. of Health Facilities in their current locations until funding becomes available for relocation; 2) moving the Crime Lab from URI to the current facilities at the Dept. of Health's Chapin Building while leaving current resources intact; 3) implementing the whole idea of a major consolidation, including additional staff, to be located in Providence with a new, separate structure adjoined to the current Chapin Building.

Ted Martin indicated that the Department of Health would like to formally put this specific proposal on the table. Dr. Hayes noted that this proposal comes with the options of working in stages, since it is unlikely the necessary funding will be available in the near future.

Rep. Mumford asked about the area of land adjacent to the Chapin Building. Dr. Uliss indicated that the land is currently vacant.

Gina Caruolo stated that the Committee should review proposals like the Dept. of Health proposal from URI and RI State Police regarding location. She asked those departments to put something together for the next meeting so that the Committee can come up with some type of recommendation or at least initial options to present to the Steering Committee. Ms. Caruolo indicated that the next meeting agenda will provide for a more lengthy discussion on the various proposals.

Ms. Caruolo also noted that the next meeting would include further discussion of personnel, including transition procedures, etc. to be included in any legislation. Many other states include these procedures as well as the actual consolidation procedures.

Ms. Caruolo asked the Committee if they felt the next meeting would be sufficient to be the last permanent meeting of this Committee, at which time she would begin drafting a report to the RI Justice Commission Steering Committee. The Committee could then come back for another meeting after reviewing the draft report. The Committee agreed to make this decision at the end of the next meeting.

Bill Guglietta indicated that the Committee needs to scratch the surface on a budget for this entire consolidation process. This would include the possibilities of shifting funds, including salary grades in the report or something to give an idea of the amount of funding that would be needed. It was noted that the Crime Lab and the Department of Health have provided all the actual personnel costs as well as the costs associated with some geographic locations. Dr. Hayes and Gina Caruolo added that it may be difficult to determine construction costs so when it comes to geographic location the Committee may not be able to be very specific. Dr. Hayes did state that there are some “unofficial” standard costs associated with building a laboratory.

Rep. Mumford inquired about the consolidated agency being a separate unit from the RI State Police if it were to be administered through that agency. Currently there are FTE’s that fall under the Attorney General’s Office but the individuals are located at the URI Crime Lab. The situation at the Department of Health is that the Forensic Lab is a separate unit within the Department. Rep. Mumford’s concern was funds being taken from this consolidated agency to be used in other areas of the department that may have funding issues. Bill Guglietta indicated that the assumption would be that the agency would be a separate line item in the budget of the department and funds cannot be taken from one line item for another. Gina Caruolo added that both Colonel Culhane and Colonel Pare of the RI State Police expressed that this would not happen.

Dr. Uliss commented that in the past both Colonel Culhane and the representatives from NFSTC indicated that unless something is done about the accreditation situation in RI we may be headed for problems. Dr. Uliss mentioned the situation in New Hampshire where their lab is not accredited and is currently under attack for their analysis of evidence from the slayings of two individuals who were professors at Dartmouth. The handling of the case by that lab is currently being attacked and that lab does have a Quality Assurance Officer who is moving the lab towards accreditation. Dr. Uliss stated that in RI we are probably at least a year or two away from accreditation and it is not a stretch to assume that at some point our labs could be attacked on the

same grounds. He indicated that we need to get a Quality Assurance Officer on board as soon as possible.

Gina Caruolo noted that the Steering Committee will be discussing holding a meeting for the purpose of determining a new Byrne Four-Year Plan. Past years have been devoted to technology and now they will begin to discuss other focus areas, forensics being one of them. It will be a strong suggestion for federal fiscal year 2003 Byrne funds which would become available sometime around April 2003. Dr. Hayes asked about the Byrne funding that was approved at the recent Policy Board meeting on January 25. Ms. Caruolo responded that those funds are Byrne 2002 funds to become available this spring of 2002 but have already been allocated for certain purposes such as Justice Link. Funding available for forensics would be in the following year, 2003. Steve King also noted that due to the federal government passing the budget, there is sometimes a delay on the availability of the funds to the beginning of the fiscal year.

4. Set Next Meeting/Adjourn

The next meeting was scheduled for Wednesday, February 27 at 9:00 AM at the Department of Administration, pending the availability of a conference room. Members will be notified of any changes prior to the next meeting.

Meeting adjourned at 9:45 AM.

Respectfully submitted,

Gina M. Tocco
Recording Secretary

Approved:

Gina M. Caruolo
Chair

Approved:

Joseph E. Smith
RIJC Executive Director

FORENSIC SCIENCE SERVICES COMMITTEE
Minutes of the Meeting of
Wednesday, February 27, 2002
9:00 AM – Health Policy Forum
Cannon Building, Three Capitol Hill
Providence, RI

Welcome

Gina Caruolo welcomed everyone and called the meeting to order at 9:05 AM.

Attendance

Those attending the meeting included the following:

Dr. David Uliss, Department of Health, Forensic Sciences
Dr. Gregory Hayes, Department of Health Laboratories
Ted Martin, Department of Health
Gino Rebussini, Department of Health, Forensic Drug Chem.
Nancy Haley, Department of Health, Forensic Toxicology
Robin Smith, Department of Health, Forensic Lab
Rep. Carol Mumford, RI House of Representatives
Rep. Kenneth Carter, RI House of Representatives
Judith Kearns, Department of Attorney General
Dennis Hilliard, State Crime Laboratory
Mike DiLauro, Public Defender's Office
Det. Mark Zabinski, RI Criminalists Association
Col. Stephen McCartney, Warwick Police Department
Lt. Emil Fioravanti, Providence Police Department
Captain Brendan Doherty, RI State Police
Lt. William Labossiere, RI State Police
Sgt. Dennis Pincince, RI State Police
Steve King, Representing Presiding Justice Rodgers
Nicholas Pelligrino, RI State Fire Marshal's Office
Joseph Smith, RI Justice Commission
Gina Caruolo, RI Justice Commission
Gina Tocco, RI Justice Commission

1. Approval of January 29, 2002 Minutes

Gina Caruolo indicated that everyone should have received the minutes from the last meeting. There being no recommended changes, Dr. Hayes made a motion to accept the minutes. This motion unanimously passed.

Before addressing the items on the agenda, Gina Caruolo indicated that she has spoken briefly with the state Office of Personnel in regard to this Committee. They discussed what happens and what issues may arise when agencies consolidate. Ms. Caruolo asked these individuals if they would be willing to address the Committee. If the Committee would like them to, they would be glad to have a discussion and try to answer any questions the Committee may have. Also to be discussed would be what should be included in new legislation.

Ms. Caruolo also indicated that this next meeting would likely be the last meeting of this Committee. If the Committee would like to have the Office of Personnel attend, this would take place sometime around the end of March in order to give them time to go over the needs assessment, minutes and the summary report from this Committee. The Committee then agreed that it would be worthwhile to have the Office of Personnel attend the next meeting and Joe Smith will draft a letter to Dr. Carl in this regard.

2. Continuation of Discussion on Geographic Location for Consolidated Agency

Gina Caruolo noted that the Health Department presented their scenario for geographic location at the last meeting. At this meeting the Committee will also receive proposals from the Crime Lab at URI and from the RI State Police.

Dennis Hilliard handed out a two-page document detailing why the consolidated agency should be located at URI. He indicated that this is not a new discussion; the issue was also discussed back in 1992 and 1995 and the reasons are still the same and many have in fact happened. He noted that the University invested its own monies to create the Partnership, including accessibility to classrooms, training, expertise and many other services. The lab is also located within 30 minutes of the City of Providence. Mr. Hilliard commented that he fears that if the lab were moved out of the University community, the Partnership would likely fail.

In regard to the Health Department proposal, Mr. Hilliard feels the lab needs to be its own physical building. He agrees with the Health Department that if the decision were made to have the consolidated agency at URI, the toxicology lab would need to remain with the Medical Examiner's Office. His suggestion would be that if it is decided that the location will be the University or somewhere other than with the Health Department, the toxicology lab be split. Those who mainly service the Medical Examiner would remain with the Health Department, while others who do drug and breath analysis would go to the new consolidated agency.

Sgt. Dennis Pincince presented the RI State Police proposal. He indicated that NFSTC showed interest in 3 buildings located at the RI State Police headquarters which had been taken over from the National Guard. Page 2 shows photos of one of these buildings. NFSTC had commented that they liked this building because of the large garages. Sgt. Pincince noted that while this building might meet the needs for minimum consolidation at this point in time (DNA Lab and the Crime Lab), the amount of space may not be appropriate if the consolidation were to include toxicology, drug chemistry, drug analysis, etc. The building is only 15,000 to 16,000 square feet and NFSTC stated that a new lab would require 30,000 square feet.

Sgt. Pincince mentioned that he had sat with Capt. Tremel to try to determine the costs for renovation. A septic design would need to be installed since there is currently no running water and no septic in this building. DEM approvals and security systems would also be necessary. Sgt. Pincince also commented that Maj. Quinn had recently returned from Washington speaking of “brick and mortar” monies that might be available. Sgt. Pincince had not really discussed this in detail with Maj. Quinn so he was not sure where the money is coming from and if it would include existing structure renovation or new construction.

Dennis Hilliard added that the Capital Projects people at the University did look at the size requirements and determined that 30,000 square feet were necessary. This backed up what was recommended by NFSTC for space needed if consolidated agency were to include office space, classroom space, etc.

Sgt. Pincince added that State Police does have another building located at headquarters but they cannot give up that building at this time. He recommended that if a structure were to be built for this consolidated agency, it should be built to include everything in one location.

Rep. Mumford reminded the Committee that in past meetings perception was mentioned - the academic neutral atmosphere versus if the agency were located at the RI State Police headquarters. She asked if the Committee felt that even though the agency would be a separate unit under the authority of the State Police, if it were physically located there would the perceptions still exist.

Mike DiLauro commented that the studies he found and presented to the Committee showed that approximately 80 percent of labs across the country are tied to law enforcement. He indicated that most scandals heard of occurred in labs tied to law enforcement. He added that he felt the Committee was beyond the issue of perception since the Committee already determined that the administrative structure would fall under the State Police and the Oversight Commission would have diverse representation in order to address the concerns of perception.

Col. McCartney added that there seems to be enough checks and balances in place and the State Police would be very sensitive to this concern in order to overcome perceptions.

Dr. Uliss stated that this Committee had gotten past the issue of who should be the authority and how that authority would be handled to avoid bias. He feels the Committee is now looking for the best arrangement for the future of forensic science services and that any carving up of services would be counter-productive. While he did not want to minimize the expertise of research and University connections, he stated that the primary issue is the day to day ability of forensic scientists to work together to solve cases – consulting with police officers, etc. The more scientists that can be brought together will result in the providing of better services.

He noted that the state now has two separate units for forensic services. He further stated that if the toxicology lab were split, this would again create two units. He feels the best arrangement would be to locate all the labs at the Health Department, creating a potential “hot house” for bringing multiple disciplines together to work on cases.

The Health Department's suggestion would be building a four-story building adjacent to the current Health Department Chapin Building, while falling under the authority of the RI State Police, thus creating a state lab "campus" including all forensic services.

Dennis Hilliard stated that his problem with this scenario is the restricted amount of space and the fear of losing the ability to do training. He feels it all stems on the Medical Examiner taking the position of remaining in the current location. He spoke of the possibility of building a "campus" somewhere in a space that could be expanded and then ask the Medical Examiner to move and be included.

Dr. Uliss stated that there has been movement into bioterrorism, which has a co-function with forensics, and is operating out of the Chapin Building.

Nancy Haley addressed the issue of splitting off one FTE as Dennis Hilliard had mentioned. She does not feel, from a toxicology standpoint, that it is realistic to have one person handle DUI's and domestic violence/sexual assaults. This would mean one person being a jack-of-all-trades. She added that it would not be possible for one FTE to handle caseloads and be able to keep up with new medication and research.

Dennis Hilliard indicated that his intention would be just to add one person within the group, not to be assigned specific tasks only.

Ms. Haley also noted that in dealing with biological specimens and DUI's, the technologies are totally separate.

Dr. Uliss added that Ms. Haley's point is that people in the Forensic Toxicology Lab are trained in actions of drugs on the human body, while the Drug Chemistry Lab analyzes pills and powders for substances. There are some similarities but the expertise is different and it would make it more difficult to work on cases if they were to be split up. He further noted that there is also the DNA Lab and if a case were a homicide the Medical Examiner's Office would be involved. He indicated that the Committee should look for a way to keep it all together.

Steve King asked how many FTE's would cover the work were the labs to be split. Nancy Haley indicated that the issue is not that simplistic. There are specific procedures already developed while there is also the need to be aware of new procedures, medicines and research. The labs work differently – one has a group approach while the other has one person working on one specific case.

Steve King asked the RI State Police if they had any thoughts as to the ability to obtain the necessary 30,000 square feet of space. Capt. Brendan Doherty felt they definitely have more room in the parking lot areas of the current headquarters, and he noted that rumors of new headquarters are very premature. He added that it would likely cost as much to refurbish the existing building as it would to build a new one, and there are still the issues of DEM and the Reservoir.

Ted Martin spoke to the issue of training and asked if there are opportunities to give classes at the Providence campus of the University of Rhode Island. Dennis Hilliard stated that there is the potential for growth there but funding is an issue. He added that any scenario is possible and some arrangements with URI in Providence could likely be made. He does use those laboratories and has tried this with small groups. It would be limited to 20 or so people as far as class size due to the size of the labs and classrooms. He feels there are pluses and minuses and spoke further about the availability of equipment.

Steve King commented about the RI State Police having oversight and if the facility is not located at State Police headquarters, would the State Police have any feelings one way or another towards the facility being located in Providence versus URI in Kingston. The State Police representatives stated that they would not want to comment on this without having spoken with the Superintendent.

Dennis Hilliard indicated that he feels the RI State Police should look at both the Providence and URI scenarios and be the final decision-maker.

Mike DiLauro noted that the Crime Lab at URI has done the training for public defenders as well as for investigators in the public defender's office and he would like to see that be able to continue.

Dr. Hayes commented that the Health Department has training available as well and that they are federally funded to do lab training.

Nancy Haley referred back to Dr. Ulliss' comment on bioterrorism and stated that she had recently attended a conference of the American Academy of Forensic Science where a topic was the impact of terrorism on forensics. She noted that there are a lot of federal dollars being put into bioterrorism and the best situation would mean being in a facility that could handle this as well.

The Committee further discussed the need to identify federal dollars that can be used for "brick & mortar" costs. It was mentioned that this funding is likely Homeland Defense monies. Joe Smith indicated that he believes this funding will be going directly to the RI Emergency Management Agency from the Federal Emergency Management Agency (FEMA) and would not be coming to the RI Justice Commission.

Ted Martin inquired as to the Committee making some kind of decision on the best geographic location. Gina Caruolo stated that in a final report to the RI Justice Commission Steering Committee and Policy Board, all three scenarios would be presented. She feels this Committee cannot make a recommendation or a decision on this issue. This Committee is the fact-finding body and the next step would need to be architectural studies, more extensive budgetary work, etc.

Lt. Emil Fioravanti commented that the Committee cannot make an intelligent recommendation until costs and funding sources were looked at further.

Ted Martin stated that conceptually, it would make more sense, absent good cost analysis, etc., to at least state how the Committees feels about each scenario.

Gina Caruolo indicated that the Committee would summarize the pluses and minuses of all scenarios, the scenario at the State Police headquarters likely costing the most and involving building from ground up but not to be disregarded. She added that the final report to the Steering Committee would be looked at by everyone on this Committee and would include appendices of these various proposals. It could also include some informal suggestions and recommendations but overall the three scenarios should be considered. A discussion then ensued regarding who should make the final decision on geographic location.

Dennis Hilliard made a motion that:

IT IS THE RECOMMENDATION OF THIS COMMITTEE THAT THE CONTROLLING AGENCY SHOULD MAKE THE FINAL DECISION ON THE GEOGRAPHIC LOCATION OF THE CONSOLIDATED FORENSIC SERVICES AGENCY.

Mr. Hilliard stated that an architectural study should be done once funds could be identified to do such a study.

Capt. Brendan Doherty indicated that since there is one more meeting to take place towards the end of March, he would see if the Superintendent could attend that meeting.

Sgt. Dennis Pincince mentioned both the Health Department and the URI Crime Lab making presentations at the next RI Justice Commission Steering Committee in March. Gina Caruolo indicated that it was premature to go to the Steering Committee, although they have been given the preliminary report and have been kept up to date on the discussions of this Committee.

Dr. Hayes inquired about the Steering Committee discussing potential strategies for using Byrne funding. Joe Smith commented that he agrees with having the Superintendent of the State Police attend the next meeting since he will ultimately be responsible. Mr. Smith feels that the next Steering Committee meeting would be too premature and that it is best to wait and hear from the Superintendent as to where he would like to go. Gina Caruolo added that absent a final report from this Committee, the Steering Committee is not likely to set aside Byrne funding to do an architectural study.

The motion on the table was then seconded by Lt. Fioravanti and passed unanimously.

3. Discussion of Personnel for Consolidated Agency

Gina Caruolo distributed two handouts that look at budget and FTE requirements for both the Health Department and the Crime Lab at URI. In looking at these handouts, Ms. Caruolo indicated that at this time, the Committee is more concerned with the number of individuals and their responsibilities, rather than the actual funding.

Further discussion took place in regard to comparing the two handouts. After going through and making adjustments to the handouts for easier comparison, Gina Caruolo asked if anyone noticed anything missing or any potential issues. Ms. Caruolo asked Mr. Hilliard about computer analysis and computer management. She indicated that there are ongoing discussions in other arenas about computer forensics. The state is approaching a situation where no one can seize and examine computer evidence. The state now relies on the Secret Service but in anticipation of Jim Mooney's retirement, there is movement towards trying to get state personnel trained.

Dennis Hilliard commented that the Westerly Police Department has joined with the Connecticut State Police in a computer crime grant which focuses on child pornography. The equipment will be housed at the URI lab and they will also provide training. Ms. Caruolo indicated that discussion thus far has revolved around having actual state resources, rather than people trained in different departments.

Gina Caruolo stated that the Committee needs to have something that merges these two personnel proposals. She also added that Dennis Hilliard should provide current funding for the Crime Lab in order to compare with the current funding submitted by the Health Department. Ted Martin also stressed the fact that the salary amounts on the handouts are just estimates.

4. Set Next Meeting/Adjourn

The next meeting was scheduled for Wednesday, April 3 at 9:00 AM. Representatives from the Office of Personnel and the Superintendent of the RI State Police will be asked to attend. Members will be notified of any changes and exact location prior to the next meeting.

Meeting adjourned at 10:35 AM.

Respectfully submitted,

Gina M. Tocco
Recording Secretary

Approved:

Gina M. Caruolo
Chair

Approved:

Joseph E. Smith
RIJC Executive Director

FORENSIC SCIENCE SERVICES COMMITTEE
Minutes of the Meeting of
Wednesday, April 3, 2002
9:00 AM – Health Policy Forum
Cannon Building, Three Capitol Hill
Providence, RI

Welcome

Gina Caruolo welcomed everyone and called the meeting to order at 9:00 AM.

Attendance

Those attending the meeting included the following:

Dr. David Uliss, Department of Health, Forensic Sciences
Dr. Gregory Hayes, Department of Health Laboratories
Ted Martin, Department of Health
Nancy Haley, Department of Health, Forensic Toxicology
Robin Smith, Department of Health, Forensic Lab
Shawna Bradshaw, Department of Health Laboratories
Rep. Carol Mumford, RI House of Representatives
Dr. Elizabeth Laposata, Medical Examiner
Dennis Hilliard, State Crime Laboratory
Bob Hathaway, State Crime Laboratory
Amy Duhaime, State Crime Laboratory
Ed Downing, State Crime Laboratory
Mike DiLauro, Public Defender's Office
William Guglietta, Department of Attorney General
Col. Stephen McCartney, Warwick Police Department
Lt. Emil Fioravanti, Providence Police Department
Col. Steven M. Pare, Superintendent, RI State Police
Captain Brendan Doherty, RI State Police
Sgt. Dennis Pincince, RI State Police
Steve King, Representing Presiding Justice Rodgers
Nicholas Pelligrino, RI State Fire Marshal's Office
John Breguet, Dept. of Administration, Office of Labor Relations
Patricia Lucarelli, Dept. of Administration, Office of Labor Relations
Joseph Smith, RI Justice Commission
Gina Caruolo, RI Justice Commission
Gina Tocco, RI Justice Commission

1. Approval of February 27, 2002 Minutes

Gina Caruolo indicated that everyone should have received the minutes from the last meeting. There being no recommended changes, the minutes were accepted.

2. Remarks from Colonel Pare

Gina Caruolo introduced Col. Steven Pare, Superintendent of the RI State Police.

Colonel Pare stated that he has been following the activities of this Committee and he feels the Committee has made great strides and he acknowledges the concessions made by the various stakeholders. As Superintendent of the State Police, he indicated that he certainly has adopted the concept of the need for improved forensic services in RI. He further noted however that he is not sure logistically, how this should happen or where services should be located.

Col. Pare stated that it is his feeling that some of the recommendations made by NFSTC consultants would drastically improve forensic services and that he would have no problem with the RI State Police being the administrative authority. He feels that because of the concessions made by various stakeholders, consolidation will work and forensic services will improve eventually.

Colonel Pare indicated that upon his appointment as Superintendent, he asked the Governor to support a feasibility study to look at the current RI State Police headquarters and barracks facilities. The Governor agreed and they are now ready to propose legislation requesting a bond referendum for the fall. The Col. added that although he is uncomfortable with the current fiscal constraints, this proposal would at least go to the House and Senate and hopefully to the voters. He stated that it is a \$55 million bond referendum to build a facility, which includes a laboratory. He added that no specific site location has been determined. A committee has been formed and they are looking towards a central location, such as in Cranston, Warwick, on Rt. 37, or the airport connector areas. The bond referendum does not specifically mention a forensic laboratory but the total amount includes funding (approximately \$10-15 million) which would be dedicated to a lab located within this centralized State Police facility.

Colonel Pare maintained that there would need to be a clear distinction between lab services and actual State Police activities. He feels the State Police are in dire need of this new facility as well as improved forensic services and this may be the perfect chance to incorporate the two. Col. Pare stated that if this new facility were to not happen, there is no easy answer on where consolidated forensic services should be located. He is aware of both the Department of Health and URI Crime Lab positions and feels this would need to be looked at in further detail. He noted that as Superintendent of the State Police, he would really like this to work and he realizes the dedication of resources and continued cooperation would be necessary.

Rep. Carol Mumford asked if the legislation is being introduced during this session. Col. Pare responded that it will be introduced right away, possibly as early as tomorrow.

Dr. Uliss stated that he agrees with the Colonel that this legislation, to include a forensic lab, appears to offer the best possible plan.

Col. Pare noted that since the Department of Health and URI would be affected, he will be sure to circulate the legislation as soon as it is introduced.

Bill Guglietta asked if the Colonel anticipated this legislation to become a budget article, as many capital improvement projects are. He also asked the total amount of funding the legislation is seeking. Col. Pare indicated that the legislation asks for a \$55 million bond referendum and he does not know if it will become a budget article.

Ted Martin inquired as to whether the legislation includes reorganization language. Col. Pare stated that that would have to be separate legislation.

Dennis Hilliard commented that this is an excellent solution and he would be happy to support this proposal and help it come to fruition.

Bill Guglietta asked Rep. Mumford how many bond referenda items have been proposed. Rep. Mumford indicated that there are several but she feels this particular proposal has relatively high priority.

Dennis Hilliard asked Col. Pare if there are any federal dollars available to help in this effort. Col. Pare is not aware of any in particular but he has been in touch with Congressmen Reed and Kennedy.

Gina Caruolo indicated that once the legislation has been introduced, she will email everyone the bill number so they may obtain the bill from the General Assembly website.

3. Labor Relations

Gina Caruolo introduced John Breguet and Patricia Lucarelli from the Department of Administration, Office of Labor Relations.

John Breguet explained that the Office of Labor Relations is responsible for the coordination of labor issues for most state agencies. They deal with unions, classified/unclassified personnel issues, contract negotiations, etc. Mr. Breguet noted that they were asked to this meeting to address labor/personnel issues that might come up in creating a consolidated agency. He added that they have helped other agencies in this capacity.

Mr. Breguet indicated that statutory changes would be required, including those that specifically address personnel matters. With the Crime Lab, Department of Health and RI State Police having personnel of various classifications, all statutory references to personnel would have to be addressed. It would also need to be made clear to which unions' personnel belong. It would be best to have one union that all personnel for the consolidated agency would fall under.

Mr. Breguet stressed that management has the right to reorganize, however the best way to do it is with the participation of labor.

Another issue Mr. Breguet mentioned would have to do with pay grades. Pay grades are not the same for classified and unclassified personnel. It would need to be determined under which classification personnel would fall.

Mr. Breguet noted that the good thing is that anything can be done in terms of labor, as long as it is done correctly. Making the various unions involved and aware of the possible consolidation and giving them the opportunity for input and advice would be best. If not, it can create problems. The decision to consolidate is something that can be done without the unions' approval, but the impact of a consolidation should be looked at and discussed with them.

Another issue Mr. Breguet discussed was the identification and allocation of resources. Examples include determining who gives up FTE's or clerical staff, equipment, computers, etc. Some things may depend on how equipment or buildings were purchased. If bonds were used, the equipment or building is supposed to be used for a specific purpose. This is important in that if labor objects, it would be better off having addresses the issue ahead of time.

Mr. Breguet also mentioned the 20-year statute, including those people who have 20 years or more of service, military time or are disabled. These employees have stronger rights. While duties may be changed, no matter the classification, they cannot be laid off and pay rates are determined based on prior pay rates. This issue is important for the wording of a statute and Mr. Breguet suggested having personnel in the same classification and in the same union.

Dr. Ulliss asked about the situation in which some employees would be moved, but not all, and how would it be determined as to which employees actually go. Mr. Breguet stated that it depends on whether or not an entire unit is moving or just part of a unit. He indicated that if part of a unit is moving and those employees are in the same union, the senior employees would have the choice to move. If those employees were in different unions, the seniority rules are not the same.

Colonel Pare inquired about the resolution in the case of the sheriffs and marshals consolidation. Mr. Breguet explained that in that case the sheriffs outnumbered the marshals so it was determined that all would become part of the sheriffs' union.

Bill Guglietta noted the status issue, regarding those statutorily appointed. Mr. Breguet added that status employees are hired for a specific term under statute. Further information on this issue can be found under RI General Laws §36-4-49, §36-5-7 and §36-5-8.

Other issues Mr. Breguet discussed included:

- When employees are transferred out and duties are reassigned – if the employees are within the same classification, many will say they need to be upgraded.
- A lot of administrative paperwork will need to be done – it would need to be determined who would be responsible.
- Past debt or bond indebtedness – how would this be transferred.

Gina Caruolo asked about liability if someone were to sue. Mr. Breguet indicated that who owns the liability would have to be determined if a lawsuit is pending about something that happened in the past. Also, if there is a troubled employee who may have been on the verge of termination, the employee records can be transferred to the new agency as well.

Colonel Pare mentioned a possible situation where current personnel are moved to the new agency and are then required to pass a background check. Mr. Breguet noted that this would depend on the legislation passed but the necessary requirements for employment can be updated. Problems may arise when dealing with a 20-year employee. In that case, if the person does not meet the updated requirements or qualifications, it would probably be necessary to find that person another position in state service at the same pay rate. He further cited RI General Law §36-4-25, which includes language in this regard.

Colonel Pare commented on including language in the enabling statute so that the statute controls many of these issues.

Joe Smith asked about the 20-year rule applying to most but not all personnel. Mr. Breguet explained that this does not include department directors or employees whose appointment is determined by statute.

Mr. Breguet concluded this discussion by stating that he and Ms. Lucarelli would be happy to answer any further questions and to assist in any way if needed.

Bill Guglietta asked Col. Pare if equipment is included in the proposed bond referendum. Col. Pare indicated that it is included. Ted Martin asked if the legislation is still up for discussion and Col. Pare stated that he would welcome the collaboration of interested parties.

4. Overview of Final Report

Gina Caruolo began discussion regarding the final report from this Committee to the RI Justice Commission Steering Committee. She indicated that since there do not appear to be any other new issues which the Committee needs to discuss, there is no need to hold another meeting. She asked the Committee if they agreed or if anyone had any further issues they'd like to discuss.

Bill Guglietta asked about the process of putting together the final report. Ms. Caruolo indicated that she would put together a draft report, which would then be circulated to Committee members. She added that if issues arose during circulation and could not be worked out, the Committee might then need to meet again.

Steve King inquired as to when the Steering Committee is meeting next. Ms. Caruolo stated that the Steering Committee is holding a strategic planning session on June 4, 2002 to discuss potential uses for the next four years of Byrne funding. She would like to have this final report completed by the last week in May, or at least have a very solid draft. Ms. Caruolo noted that it had been Colonel Culhane's wishes that forensic services' improvement be incorporated in the

next four years of Byrne funding. Ms. Caruolo added that it would be very beneficial to get this report to the Steering Committee so funds could be allocated for some type of forensic needs. Issues which the Committee has discussed such as accreditation and evidence bar coding would be included in the report for the Steering Committee's consideration.

Bill Guglietta commented that Colonel Pare might need some preliminary information in order to testify on the bond legislation. Gina Caruolo indicated that the Colonel would at least be provided with outlines and summaries, if not the formal report.

Dr. Uliss suggested, now that there is the possibility of a site location, that the forensic labs be kept intact including the toxicology lab, thus keeping all of forensic services together.

Dennis Hilliard commented that he is in favor of toxicology remaining with the Medical Examiner, if the Medical Examiner is not going to be located with the consolidated forensic agency. Others noted that they were under the impression that this determination had already been decided on. The decision had come after discussion on the problems that can arise when moving biological samples, etc.

Gina Caruolo asked Colonel Pare if the bond legislation includes funding for further feasibility studies. Colonel Pare indicated that it does not specifically set aside funding for that purpose.

Nancy Haley asked how many employees are currently at RI State Police. Colonel Pare responded that there are 215 with 45 to 50 civilians and probably only one whose duties partially include forensic work. He added that there are no existing State Police employees that would have the desire or qualifications to move into forensic positions.

Dr. Uliss made a formal motion that the Committee spend more time in determining if it is to the benefit of the state to keep forensic services entirely intact and possibly include the Medical Examiner as well.

Dr. Laposata indicated that from her standpoint it is a resource issue, getting funding to do new things. She noted that the Medical Examiner's Office is fortunate to have the space they need and the state does not really need to move them. While the Medical Examiner's Office does work closely with toxicology, a new Medical Examiner facility is not required.

Joe Smith asked Dr. Laposata how much square footage the Medical Examiner's Office currently has. Dr. Laposata was not sure of the exact square footage but indicated that it is approximately $\frac{3}{4}$ of the first floor. Dr. Uliss noted that it is probably about 12,000 square feet.

Ted Martin stated that everyone had seemed to agree in the past that toxicology should remain with the Medical Examiner's Office and that to consider keeping forensics whole, the Committee would need to again consider including the Medical Examiner in consolidation. Dr. Laposata commented that it was her understanding that it had already been agreed that the Medical Examiner would remain under the Department of Health.

Gina Caruolo indicated that Dr. Uliss' motion is on the table for consideration. She asked for a second to this motion and having no second the motion failed.

Gina Caruolo again spoke of the timeframe for the final report. She will begin circulating various pieces and reiterated that she would like to have a solid draft by the last week in May in order to give the Steering Committee time to look it over in anticipation of their June 4 Byrne Strategy Session.

Dennis Hilliard asked Colonel Pare when he would be testifying on the legislation. Colonel Pare responded that he does not know at this time. Mr. Hilliard indicated that many would likely be willing to accompany the Colonel or support him in any way. Representative Mumford indicated that there is a strong push to have the General Assembly adjourn by the end of May.

5. Adjourn

Gina Caruolo thanked everyone for participating on this Committee, for all their help, research and attendance at meetings. She noted that Committee members will hear from her soon in regard to the final report. The meeting adjourned at 10:00 AM.

Respectfully submitted,

Gina M. Tocco
Recording Secretary

Approved:

Gina M. Caruolo
Chair

Approved:

Joseph E. Smith
RIJC Executive Director

APPENDIX C

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH
DIVISION OF LABORATORIES**



MEMORANDUM

DATE: 10/09/01

FROM: Dr. Gregory V. Hayes, Associate Director for Health (Laboratories)
Dennis Hilliard, Director State Crime Laboratory
Dr. Dave Uliss, Chief State Forensic Laboratory
Robin Smith, Supervisor Forensic Biology
Dr. Elizabeth Laposata, State Medical Examiner
George Ducharme, Medical Examiner Medicolegal Administrator

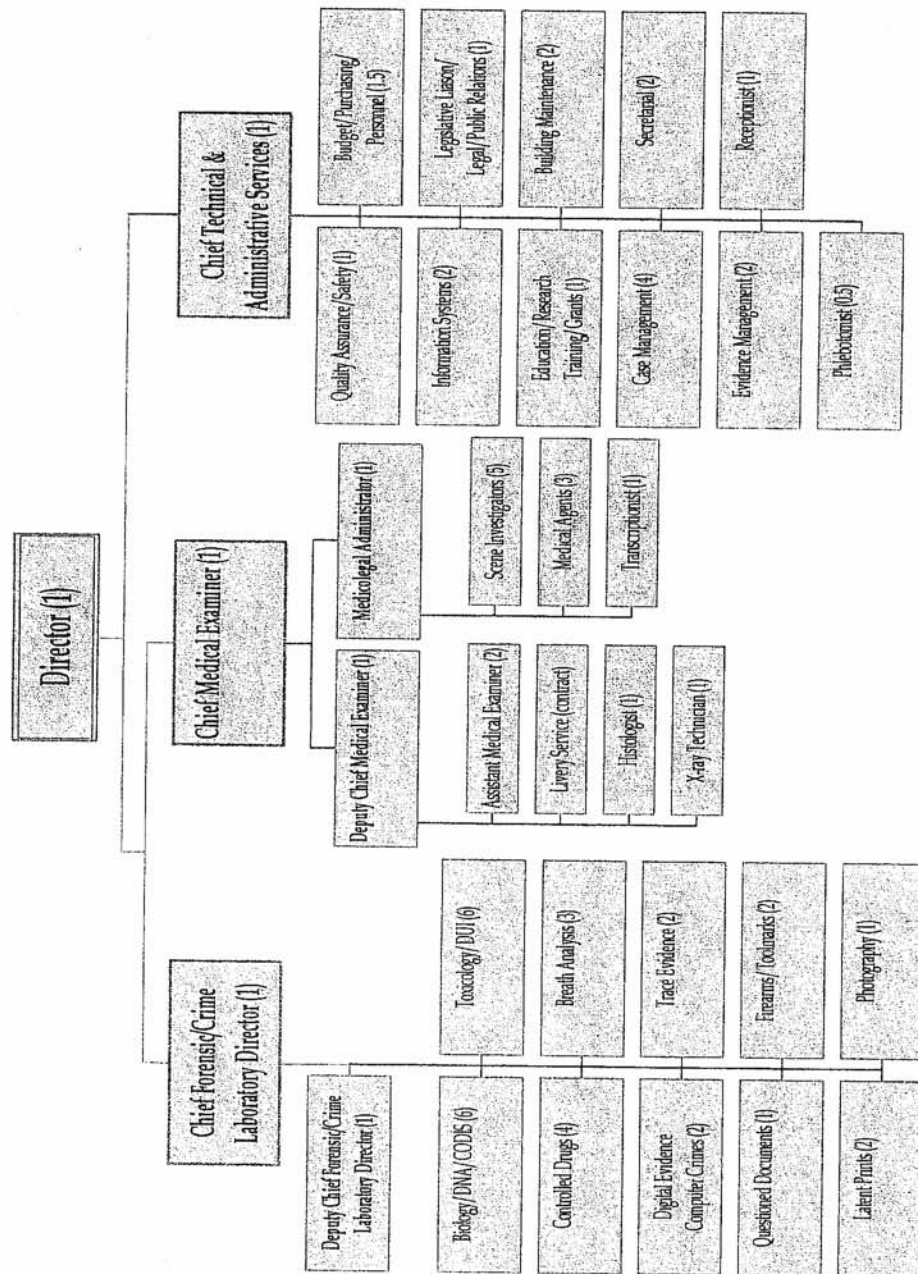
TO: Gina Caruolo, SAC Director
Rhode Island Justice Commission
One Capitol Hill
Providence, RI 02908

SUBJECT: Unified Facility Subcommittee

Attached you will find two organizational charts and two spreadsheets. Several organizational scenarios are possible from the information provided. The first organizational chart depicts a consolidated facility (forensic, crime, medical examiner). The spreadsheet following the organizational chart contains costs for current staffing as well as proposed additions. The second organizational chart depicts the medical examiner as standing alone. The Medical Examiner could be at a different location or co-located as preferred by the Facility Subcommittee but reporting to a different State Agency.

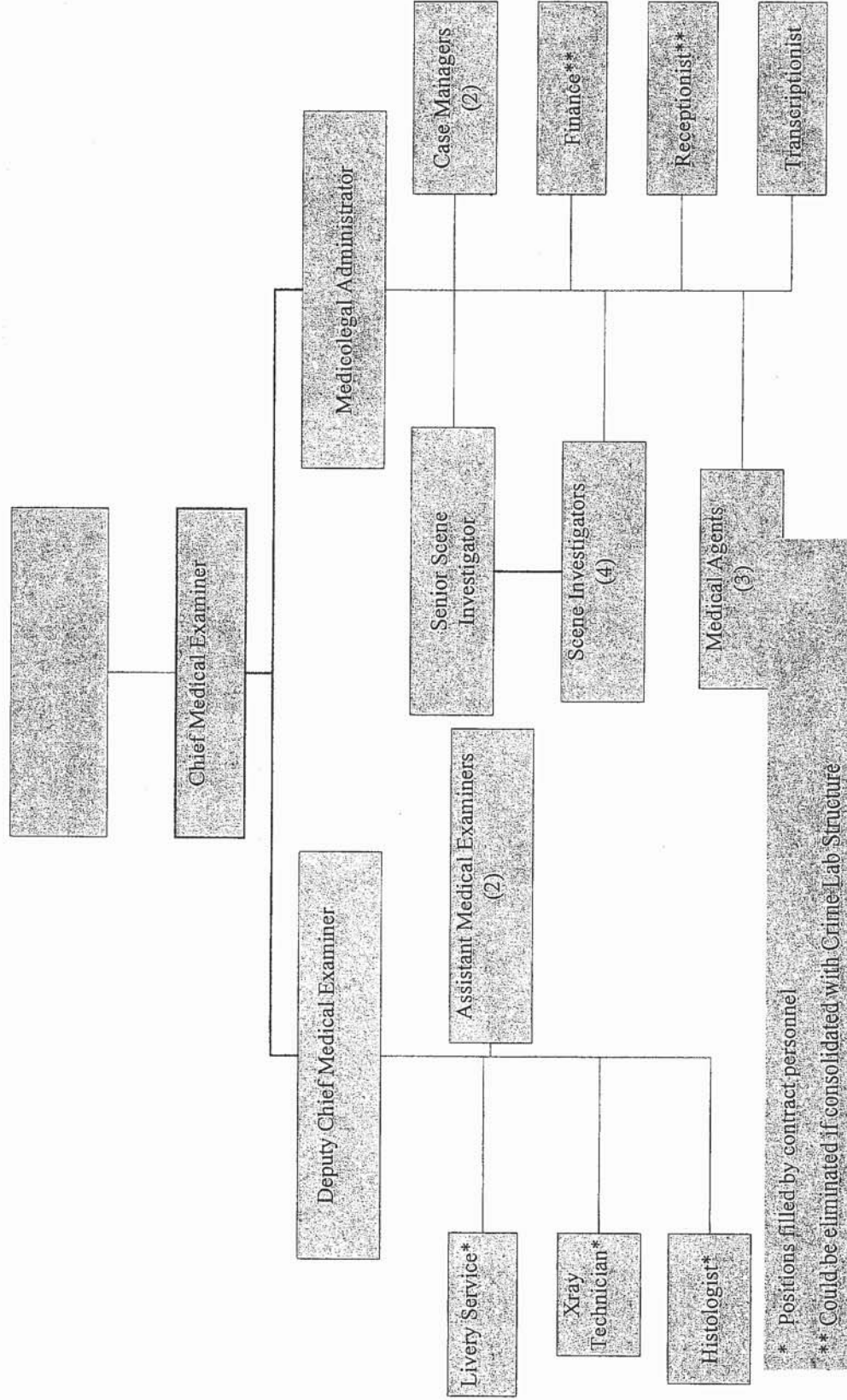
Consolidated Forensic Lab/Crime Lab/Medical Examiner

Current Services Staffing Per NFSTC



CONSOLIDATED FORENSIC LAB/CRIME LAB/MEDICAL EXAMINER PERSONNEL BUDGET ESTIMATE									
Division/Position Title	Salary and Fringe (Est.)	Recommended FTEs for Combined Unit	Current FTEs	Required New FTEs	Cost of Combined Unit FTEs	Cost of Current FTEs	Cost of New FTEs		
Forensic Laboratory Division									
Chief Forensic Laboratory Director	100,000	1	1	1	100,000	100,000	0		
Deputy Chief Forensic Laboratory Director	90,000	1	0	1	90,000	0	90,000		
Supervisors	80,000	4	3	1	320,000	240,000	80,000		
Principals	73,000	4	4	0	292,000	292,000	0		
Seniors	68,000	4	4	0	272,000	272,000	0		
Forensic Scientists	55,000	5	3	2	275,000	165,000	110,000		
Senior Breath Inspector	54,000	1	1	0	54,000	54,000	0		
Breath Inspector	49,000	2	1	1	98,000	49,000	49,000		
Criminalists	56,000	8	3	5	448,000	168,000	280,000		
Computer Technicians	65,000	2	0	2	130,000	0	130,000		
Medical Examiner Division									
Chief Medical Examiner	160,000	1	1	0	160,000	160,000	0		
Deputy Chief Medical Examiner	152,000	1	1	0	152,000	152,000	0		
Medical Legal Administrator	70,000	1	1	0	70,000	70,000	0		
Assistant Medical Examiner	130,000	2	2	0	260,000	260,000	0		
Senior Scene Investigator	75,000	1	1	0	75,000	75,000	0		
Scene Investigators	70,000	4	4	0	280,000	280,000	0		
Medical Examiner Agents	40,000	3	3	0	120,000	120,000	0		
Histologist	47,000	1	1	0	47,000	47,000	0		
X-Ray Technician	36,000	1	1	0	36,000	36,000	0		
Transcriptionist	35,000	1	1	0	35,000	35,000	0		
Livery Service Contract	60,000				60,000	60,000	0		
Technical and Administrative Services									
Chief Technical and Administrative Services	90,000	1	0	1	90,000	0	90,000		
Quality Assurance Officer	55,000	1	0	1	55,000	0	55,000		
Information Systems	54,000	2	0	2	108,000	0	108,000		
Education/ Research & Training/ Grants	50,000	1	0	1	50,000	0	50,000		
Case Manager	53,000	4	2	2	212,000	106,000	106,000		
Evidence Manager	53,000	2	1	1	106,000	53,000	53,000		
Budget/ Purchasing	48,000	1.5	1	0.5	72,000	48,000	24,000		
Legislative Liaison/ Public Relations	55,000	1	0	1	55,000	0	55,000		
Building Maintenance	38,000	2	0	2	76,000	0	76,000		
Secretarial	32,000	2	1	1	64,000	32,000	32,000		
Phlebotomist	40,000	0.5	0	0.5	20,000	0	20,000		
Receptionist	31,000	1	1	0	31,000	31,000	0		
COMBINED ME/FORENSIC/CRIME LAB									
		67	42	26	\$4,313,000	\$2,905,000	\$1,408,000		
COMBINED FORENSIC/CRIME LAB									
		51	26	26	\$3,018,000	\$1,610,000	\$1,408,000		

MEDICAL EXAMINER PROGRAM



* Positions filled by contract personnel

** Could be eliminated if consolidated with Crime Lab Structure

NOTE: Current number of staff and physical plant are adequate for our needs.

Medical Examiner Personnel Budget Estimate

Division/Position Title	Salary and Fringe (Est.)	Recommended FTEs for Unit	Current FTEs	Required New FTEs	Cost of Unit FTEs	Cost of Current FTEs	Cost of New FTEs
Chief Medical Examiner	160,000	1	1	0	160,000	160,000	0
Deputy Chief Medical Examiner	152,000	1	1	0	152,000	152,000	0
Medicolegal Administrator	70,000	1	1	0	70,000	70,000	0
Assistant Medical Examiner	130,000	2	2	0	260,000	260,000	0
Senior Scene Investigator	75,000	1	1	0	75,000	75,000	0
Scene Investigators	70,000	4	4	0	280,000	280,000	0
Medical Examiner Agents	40,000	3	3	0	120,000	120,000	0
Histologist	47,000	Contract	0	0	0	0	0
X-Ray Technician	36,000	Contract	0	0	0	0	0
Transcriptionist**	35,000	1	0	1	35,000	0	35,000
Livery Service Contract	60,000	Contract	0	0	0	0	0
Receptionist*	31,000	1	1	0	31,000	31,000	0
Budget/Purchasing*	48,000	1	1	0	48,000	48,000	0
Totals	954,000	16	15	1	1,231,000	1,196,000	35,000

* Personnel savings if consolidated \$79,000

** Currently filled by contract, awaiting FTE opening.

APPENDIX D

MOTIONS PASSED

The following motions passed at the November 7, 2001 meeting of the Forensic Science Services Committee:

THIS COMMITTEE RECOMMENDS AN ADMINISTRATIVE STRUCTURE OF CONSOLIDATED FORENSIC SERVICES ADMINISTERED BY THE RHODE ISLAND STATE POLICE, WITH A CIVILIAN DIRECTOR AND A FORENSIC ADVISORY COMMITTEE.

THIS COMMITTEE HIGHLY RECOMMENDS THAT THE RHODE ISLAND JUSTICE COMMISSION STEERING COMMITTEE ASSIST IN FINDING FUNDING TO IMPLEMENT THE RECOMMENDATIONS PRESENTED TO THE RHODE ISLAND JUSTICE COMMISSION BY THE NATIONAL FORENSIC SERVICE AND TECHNOLOGY CENTER (NFSTC) REGARDING THE STATE CRIME LAB AND THE DEPARTMENT OF HEALTH FORENSIC LAB ATTAINING ACCREDITATION.

The following motion passed at the February 27, 2002 meeting of the Forensic Science Services Committee:

IT IS THE RECOMMENDATION OF THIS COMMITTEE THAT THE CONTROLLING AGENCY SHOULD MAKE THE FINAL DECISION ON THE GEOGRAPHIC LOCATION OF THE CONSOLIDATED FORENSIC SERVICES AGENCY.

APPENDIX E

CHAPTER 12-1.1

State Crime Laboratory Commission

Section.

- 12-1.1-1 Short title.
- 12-1.1-2 Legislative findings and purpose.
- 12-1.1-3 Creation.
- 12-1.1-4 Membership.
- 12-1.1-5 Chairperson.
- 12-1.1-6 Executive secretary.
- 12-1.1-7 Meetings.
- 12-1.1-8 Powers and duties of commission.

Section.

- 12-1.1-9 [Repealed.]
- 12-1.1-10 Cooperation of departments – Using facilities of the University of Rhode Island.
- 12-1.1-11 Termination or modification of commission – Report to governor.

§ 12-1.1-1 Short title. – This chapter shall be known and may be cited as the "State Crime Laboratory Commission."

§ 12-1.1-2 Legislative findings and purpose. – The general assembly recognizes and declares that:

- (1) Examining crime scenes for evidence is essentially a state and local problem;
- (2) The establishment of appropriate goals, objectives, and standards for the examination of crime scenes and the training of appropriate personnel in such techniques must be a priority concern;
- (3) The functions of a state crime lab must be coordinated in an efficient and effective manner;
- (4) The full and effective use of resources affecting state and local crime scene investigations requires the complete cooperation of state and local law enforcement agencies; and
- (5) Training, research, evaluation, and technical assistance activities must be encouraged and focused on the improvement of scientific criminal investigation in Rhode Island.

§ 12-1.1-3 Creation. – There is established the state laboratories for scientific criminal investigation commission, called throughout this chapter the state crime laboratory commission.

§ 12-1.1-4 Membership. – The commission shall consist of seven (7) members: (1) two (2) members of the house of representatives, selected by the chairperson of the house finance committee, at least one of whom shall be from the minority party; (2) two (2) members from the senate, selected by the chairperson of the senate finance committee, at least one of whom shall be from the minority party; (3) the attorney general; (4) the superintendent of state police; and (5) the president of the R.I. Police Chiefs Association, ex-officio. A commission member has the right to send, in his or her place, a designated representative to a meeting.

§ 12-1.1-5 Chairperson. – The attorney general shall be the chairperson of the commission.

§ 12-1.1-6 Executive secretary. – The dean of the College of Pharmacy at the University of Rhode Island shall serve as the executive secretary of the commission. The executive secretary shall oversee the administration of the state crime laboratory, including all budgetary and personnel matters, and shall provide timely reports to the commission regarding all matters pertaining to the state crime laboratory.

§ 12-1.1-7 Meetings. – The commission shall meet at the call of its chairperson and at least four (4) times each year, the time and place for the meetings to be fixed by the chairperson.

§ 12-1.1-8 Powers and duties of commission. – The commission shall have the following powers and duties:

- (1) Establish goals, priorities, standards, policies, plans, programs, and budgets for the operation of the state crime laboratory;
- (2) Monitor the general operation of the state crime laboratory and evaluate its effectiveness;
- (3) Apply for, contract for, receive, and expend for its purposes any appropriations or grants from the state and/or its political subdivisions, the federal government, or any other source, public or private, in accordance with the appropriations process;
- (4) Accept funds appropriated by the general assembly out of any money in the treasury not otherwise appropriated for effectuating the daily operation of the state crime laboratory;
- (ii) Accept any moneys made available through direct grants for its function and operation;
- (iii) Expend these sums of money for the purchase of equipment, payment of salaries, purchase of material, office supplies, and laboratory supplies, and for labor for publishing, for the benefit of law enforcement officers in the state of Rhode Island, for scientific advances in the field of criminalistics, and any other essentials that may be deemed necessary and expedient to the scientific criminal investigation and training of law enforcement officers and firefighters in modern scientific investigative techniques and research in the field of scientific criminal investigation;
- (5) Recommend legislation to the governor and legislature in the field of scientific criminal investigation;
- (6) Provide suitable badges and appropriate commissions to laboratory personnel in evidence of their authority;
- (7) Establish any and all committees it deems necessary to carry out the mission of the state crime laboratory;
- (8) Perform any other duties that may be necessary to carry out the purposes of this chapter and chapter 1.2.
- (9) The commission shall submit an annual report to the governor and to the legislature concerning its work during the preceding fiscal year.
- (ii) Other studies, evaluation, analyses, and reports shall be submitted to the governor or the legislature as deemed appropriate or as requested.
- (10) To approve or disapprove the director and all other positions of the state crime laboratory appointed by the University of Rhode Island.

§ 12-1.1-9 [Repealed]. –

§ 12-1.1-10 Cooperation of departments – Using facilities of the University of Rhode Island.
– All other departments, agencies, and bodies of state government are authorized and directed to cooperate with and furnish any information that the commission shall require. The commission is directed in carrying out the provisions and purposes of this chapter and chapter 1.2 to confer with the University of Rhode Island as to the continued utilization of facilities, scientific equipment, and personnel available.

§ 12-1.1-11 Termination or modification of commission – Report to governor. – (a) For good cause, the commission, with the approval of the governor, shall determine a termination or modification date, and, upon that determination, the commission shall submit a report to the governor that will outline a plan for the orderly termination or modification of the commission.

(b) The report will be submitted at least four (4) months prior to the termination or modification date and will include, but not be limited to, a review of the performance and effectiveness of the commission.

(2) The report will include a recommendation that the purpose of this chapter or chapter 1.2 be reviewed or amended, that the commission be reorganized, or that this chapter or chapter 1.2 be repealed.

APPENDIX F

THE CASE FOR A CONSOLIDATED FORENSIC LABORATORY IN PROVIDENCE

Nearly all of Rhode Island's forensic scientific and forensic medical services are consolidated at the Health Department's Chapin Building, in Providence. Also available at this site are the state's public health and environmental laboratory services. The combined unit occupies roughly 80,000 sq. ft. on four floors and comprises a staff of nearly 100 with an annual budget of over \$8 million. Missing from this complex is the Crime Laboratory located at URI.

A recent survey of forensic stakeholders in Rhode Island indicates widespread support for consolidating the HEALTH and URI forensic laboratories. We agree that "one-stop-shopping" for forensic services would improve the efficiency and effectiveness of the state's law enforcement efforts. Further, we believe that the best site for a consolidated forensic laboratory, by far, is the Chapin Laboratory Building in Providence for the following reasons:

- True one-stop-shopping can be achieved only if the Office of the State Medical Examiner is included. Otherwise, we merely divide forensic services along a different line. The ME's Office is located at the Chapin Building in Providence.
- The Toxicology Unit, one of four units comprising HEALTH's Forensic Laboratory (the others being, Drugs, DNA/Violent Crimes and Breath Analysis) primarily serves the ME and should be located near the ME's Office. However, the Toxicology Unit is needed also to provide law enforcement agencies with services in the areas of driving under the influence of alcohol and drugs, non-fatal poisonings and sexual assault toxicology (the analysis of "date-rape" drugs). Separating this laboratory unit from the others would defeat the purpose of consolidating.
- Location, location, location. The Chapin site is convenient to the Providence PD, State Supreme and Superior Courts, Federal Court, AG's Office, RISP Headquarters, US Atty's Office, HEALTH's Bioterrorism Laboratory. Providence submitted 1,005 drug cases to HEALTH in 2000 (25% of our total).
- Consolidation would create a state laboratory complex at the Chapin site. The capabilities of other **service** laboratories would be available (chemical and biological toxins, soil, food, etc.).
- It would be less expensive to move the much smaller URI laboratory to Providence.

MAIN POINTS

- **Forensic Services at HEALTH**

- **Forensic Sciences Unit (staff of 19)**

- **Forensic Biology** – DNA/Violent Crimes/Sexual Assault/CODIS (300 cases/yr.)

- **Forensic Drugs** – Pills/Powders/Paraphernalia (4,500 cases/yr.)

- **Breath Analysis** – Police and instrument certification (2,300 officers and 50 instruments)

- **Forensic Toxicology** – Postmortem analysis for ME (700 cases/yr.)
Driving Under the Influence of Alcohol and Drugs (200 cases/yr.) Non-fatal Poisoning/Date-rape drugs (few but increasing)

- **Medical Examiner Unit (staff of 18)**

- The Forensic Sciences Committee has concluded that the Office of the State Medical Examiner would not be included in a consolidation of forensic services. This being the case, it follows that the Forensic Toxicology Unit, which serves the ME primarily, would remain at the Chapin Laboratory Building under HEALTH. Services provided by this Unit to the law enforcement community would continue (DUI, non-fatal poisoning, date-rape drug analysis).
- HEALTH agrees that a consolidated forensic system is in the best interests of the state. HEALTH supports construction of a new facility on the grounds of the Chapin Laboratory Building to house a consolidated forensic laboratory. Not only will construction on this site allow **all** forensic services to be united, but it will create a full-service state laboratory complex as well.
- Comparison of Forensic Labs:

	URI	HEALTH
Full-time staff	5	19
Budget (est.)	\$300,000	\$1,200,000
Space sq. ft. (est.)	1,800	8,000
- Forensic Sciences does not provide clinical services.

We present 3 scenarios:

Scenario #1 would place the administration of the two forensic laboratories under the State Police and create a Forensic Laboratory Commission. The Commission would address resource issues.

The laboratories would remain in their present locations until funding were identified for relocation.

Scenario #2 would accommodate only the **current** URI Crime Laboratory at the Chapin Building. No space for additional staff, equipment or services would be included.

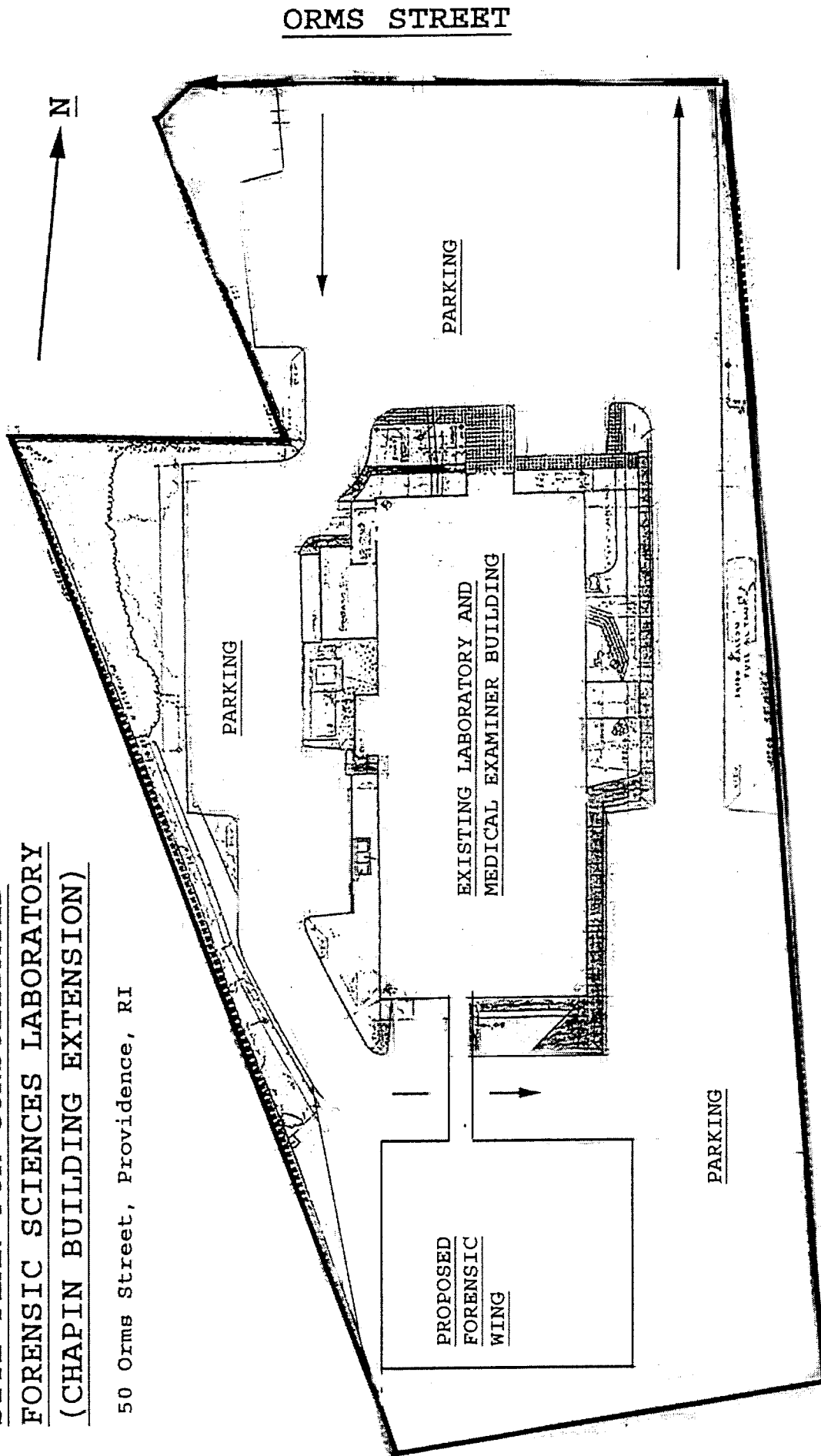
- The Chapin Building was designed using 20'x30' modules. Accommodating the URI Crime Laboratory would require 3 modules for their laboratory needs plus office and evidence storage space or approximately 2,000 sq. ft. (assuming that both the Chapin lecture room and the Cannon auditoriums were available for periodic use as classrooms).
- Assuming that the current Chapin Building HVAC, sewers, and other utilities could handle the additional load, the cost of a 2,000 sq. ft. bump-out of the Chapin Building @ \$250/sq. ft. = \$500,000. Architect fees, site preparation, demolition, Chapin Building renovations, equipment and furnishings and relocation would add perhaps \$500,000 for a total of roughly \$1,000,000.

Scenario #3 would address the additional space and facilities required to implement the expansion recommended by NFSTC at the Chapin Building site (see attached site plan).

- A separate structure, dedicated to forensic laboratory services, would be erected on state land adjacent to the Chapin Building in Providence. It would contain 30,000 sq. ft. and be connected to the Chapin Building *via* an elevated walkway.
- The cost of this project would be between \$8,000,000 and \$10,000,000.

SITE PLAN FOR CONSOLIDATED
FORENSIC SCIENCES LABORATORY
(CHAPIN BUILDING EXTENSION)

50 Orms Street, Providence, RI



APPENDIX G

**A CASE FOR THE
RI STATE CRIME LABORATORY
AT
THE UNIVERSITY OF RHODE ISLAND**

The Forensic Sciences Services Committee seeks to consolidate the State's Forensic Science Services to the law enforcement community into a single entity under the auspices of the Rhode Island State Police. The idea of consolidating these services is desirable and here an argument is presented for the location of the combined services to be placed within the University of Rhode Island community. A State Crime Laboratory located at the University of Rhode Island, would better serve the law enforcement community and the State, for the following reasons:

Rhode Island General Laws §§12-1.2-1: There shall be a state crime laboratory, which shall be located at the University of Rhode Island.

- ✓ The State Crime Laboratory has a well established and an exemplary supportive relationship with the University dating back to the 1950's. The University community provides the Laboratory with twenty-four hour, on-site, police security, fire department and hazardous materials unit. Additionally, the Laboratory has access to the services of the University's Legal staff and News Bureau.
- ✓ A location that is within an hour's drive of any police department in the State of RI.
- ✓ The expertise in the scientific community at the University has been an invaluable resource to the State Crime Laboratory. Examples include: Chemistry, Electrical and Chemical Engineering, Geology, Microbiology, Plant Science, Psychology, Textiles, etc.
- ✓ The University's development of research centers has led to the creation of the URI Forensic Science Partnership, which has enhanced the Laboratory's service capabilities to the State. The research at the University is integral to the State Crime Laboratory. This also enhances the Laboratory's access to high-tech and expensive instrumentation that would not be available if the Laboratory is located at another facility.
- ✓ The training programs that the Crime Laboratory sponsors or co-sponsors with other State agencies, has reasonable access to classrooms and laboratories at the University, including the use of "smart-rooms" which incorporate the latest technology in learning and teaching centers.
- ✓ A URI "for credit" two semester course for law enforcement officers has been offered at the University thirty times since 1953. Forty-six officers attend the current class.
- ✓ The development of courses in the Forensic Sciences at the University will "tap" the expertise of the State Crime Laboratory and offer additional financial and educational benefits to its staff members. This would include the ability for staff to attend courses and obtain higher degrees. (Tuition waivers may be available to staff members and their families depending on how the laboratory is structured within the University.)

- ✓ The University provides resources to assist the State Crime Laboratory in developing grant funding. Examples: Crime Laboratory Improvement Program - \$450,000; CASLECT, a \$10M proposal which would designate the FSP, the State Crime Laboratory and the University of Rhode Island as a Center of Analytical Support for Law Enforcement & Counter Terrorism.
- ✓ High-speed Internet Technology since 1993. This technology is always being upgraded.
- ✓ A nearly unlimited supply of undergraduate and graduate student help.
- ✓ On campus firing range areas for distance testing and outdoor firing.
- ✓ A neutral “Academic Umbrella” environment that is respected by defense and prosecution and which limits “Political” interference.
- ✓ The presence of a varied maintenance staff and equipment for repairs and removal of equipment (forklifts, backhoes to remove a damaged bullet tank as an example).
- ✓ There is a trend towards moving crime labs onto campuses (examples – the University of West Virginia and UCLA).
- ✓ The possibility of a partnership with the University’s Public Safety Department, the College of Pharmacy or the Department of Chemistry in the construction of a new building on campus which could reduce the overall initial and overhead cost of a new stand-alone Crime Laboratory facility.
- ✓ The services of the University’s Capital Development department, which has been very active in the design and development of several ongoing major construction projects at the University.
- ✓ The University Administration has continued to express a desire to maintain a supportive connection with the State Crime Laboratory and has agreed in principle to assist in the building of a new facility on the Kingston campus. This relationship could also provide exposure to possible corporate sponsors: CVS, Pfizer, etc.

The only scenario that can be proposed at this time is that the current structural location of both units is maintained in-place until the RI State Police have identified the funding for a new facility that could house the consolidated forensic science unit. The decision should be left to the RI State Police Administration as to the geographical location of the new facility. If it is decided that the Laboratory should not be co-located next to the Chapin Building, then the toxicology unit within the DOH Forensic Laboratory needs to remain in the Chapin building and an additional FTE needs to be assigned to the Controlled Drug section of the State Crime Laboratory. This would allow the State Crime Laboratory to process the 200+ DUI and Date Rape cases from live subjects.



UNIVERSITY OF
RHODE ISLAND

May 1, 2001

cc: Holland
Luzzi

Rhode Island State Crime Laboratory Commission
Attorney General Sheldon Whitehouse, Chair
Department of the Attorney General
150 South Main Street
Providence, RI 02903

Dear Attorney General Whitehouse:

I have recently met with both Mr. Dennis Hilliard, director of the State Crime Laboratory, and Dr. Louis Luzzi, Dean of the College of Pharmacy and Executive Secretary to your Commission. They have informed me of the Rhode Island Justice Commission's efforts in conducting a state-wide Forensic Needs Assessment study with the National Forensic Science Training Center.

Dennis has let me know that the data collection phase of the assessment has been completed and that a formal report will be issued in May. Preliminary indications are that the report will strongly recommend three areas in which the State can improve forensic services:

- ⇒ Consolidation of services now performed at the State Crime Laboratory and the Health Department's Forensic Laboratory.
- ⇒ Advanced training for law enforcement officers in the proper collection of evidence from crime scenes.
- ⇒ Improved Communication between the Laboratory and its client agencies

Once the premise of the report is accepted, the Justice Commission will concentrate on finding a suitable location for the consolidated Laboratory. I would like URI to be considered as a strong candidate site for the proposed Laboratory. There are several compelling reasons for the State Crime/Forensic Laboratory to remain at the University.

- ◆ The Crime Laboratory has been located on the University campus in one form or another for over fifty years.
- ◆ The University is in the early stages of supporting a proposal to build a new facility on campus that could potentially house a consolidated State Crime Laboratory.
- ◆ The University continues to support the efforts of the Forensic Science Partnership, a consortium of experts, which could address the advanced training concerns in the report.
- ◆ The University is a leader in inter- and intranet communications and has provided each police department an e-mail address linked to the University's computer system.

I would urge you and the State Crime Laboratory Commission to take whatever steps necessary to keep this valuable asset at the University. The University will make every effort to accommodate the Laboratory's spatial, personnel and ancillary needs, with additional funding support from the State and/or Federal Government.

Sincerely,

Robert Carothers
President

University of Rhode Island

CASLECT

Center of Analytical Support for Law Enforcement & Counter-Terrorism

The University of Rhode Island (URI) is unique in that for nearly fifty years the Rhode Island State Crime Laboratory (RISCL) has been a part of the main URI campus. This association has benefited both the Laboratory and the University and led to a number of collaborative efforts with URI faculty. URI faculty from nine departments participate in providing analysis in criminal and terrorist cases. We now seek status as a National Center. The emphasis will continue to be law enforcement and terrorism.

CASLECT MISSION

The mission is to develop new methodologies which

- streamline communications among law enforcement agencies & potential first-responders
- improve analytical techniques used in law enforcement & counter-terrorism
- evaluate new terrorist and criminal threats.

Streamlining communications

- workshops for law enforcement and first-responders
- workshops for security personnel
- a secure website for up-to-date threat information
- training in use of detection instrumentation

The RISCL has been conducting workshops for many years (Criminal Investigation: Scientific Evidence I & II; Handling Bomb Threats and Physical Security; Basic/Intermediate/Advanced Crime Scene Photography; Advanced Fingerprint Comparison; Blood Spatter Pattern Analysis; Forensic Evidence: Lawyer Perspective; Serial Number Restoration; Palm Print Analysis; Alternate Light Sources for Evidence Analysis; Crime Scene: Command Management Seminar). Recently we have responded to special requests: after Columbine we created a “Bomb Threat” workshop for school personnel, and now after World Trade Center II we have been asked to create an “Airport Security” class. We see CASLECT as being pro-active. As part of “threat evaluation” we will examine potential future threats and develop counter responses. The URI expertise lies in the RISCL, faculty with expertise in bombing and terrorism, and RI-based experts in terrorism training classes. It also lies in the RI law enforcement community -- RI Trainers Associates, the Justice program at Roger Williams College, RI Criminalist Association, the RI Chapter of International Association of Arson Investigators -- and our close links to the Naval Criminal Investigative Services (NCIS); ATF, and the FBI. Furthermore, we see this Center reaching out to Agencies and experts throughout the Northeast corridor.

Improvement of analytical techniques

Typically, law enforcement struggles to keep up with the criminals or terrorists whether it is with sophisticated weapons or planned resources. Law enforcement frequently suffers from manpower shortages and a lack of flexibility in their approach, which does not hamper the

opposition. The one reliable way to aid law enforcement is to create a stockpile of improved analytical techniques. For example, a few years ago, matching firearm cartridge casings from one crime scene to another was time-consuming and almost impossible. Now once computer-assisted matching (IBIS, Drugfire, NIBIN) is fully implemented the task will become routine. Below are examples of areas of law enforcement in which URI researchers are working:

- a computer-searchable database of properties of explosives & smokeless powders
- bomb fragmentation characterization
- detection of explosives and drugs
 - instrument validation
 - new areas of evidence (i.e. hair retains evidence of illicit drugs & explosives)
- computer-assisted analysis of rape kits
- applications of fluorescent tags for forensic analysis of DNA
- LC/MS method development and validation for drug analysis
- new methods to detect tampering of pharmaceuticals product
- methods to date aged blood spots

The creation of CASLECT would result in an expansion of these efforts to areas such as the following:

- transport area (airport, train, subway) non-invasive passenger screening
(focus in the area would coordinate with present URI work with the FAA and the DoT "Transportation Center" on campus)
- bioterrorism – organism detection
(this area would coordinate with a proposed College of Nursing program in responding to bioterrorism)
- clearing house for detection and decontamination instrumentation
(URI would maintain, store, and transport to site state-of-the-art instrumentation and would provide training/operators)

Evaluation of new terrorist and criminal threats

- act as a focal point to compile threat and crime information
- liaison with government counter-terrorism units to develop Northeast corridor response plan to present threats

These are not currently activities at URI. They require a government mandate, National Center status and funding to approaches these very necessary tasks.

URI FACILITIES

URI has available world-renown experts and state-of-the-art facilities:

- RISCL with its instrumentation for arson, explosives, and firearm analysis;
- the Chemistry department with its specialized instrumentation for chemical and explosive analysis (chromatographs, mass spectrometer, thermal analysis instrumentation);
- the Mechanical Engineering department with its optical and electron microscopes (transmission and scanning), sensors center, and tensile strength analytical equipment;
- the College of Nursing with an interest to become a training ground for bioterrorism response teams.

FUNDING REQUEST

Additional instrumentation	\$2.5 M
Salaries	\$1.5 M
Student Stipends (including scholarships to law enforcement)	\$1.0 M
Laboratory modifications	\$2.0 M
Computer System (dedicated to law enforcement)	\$1.0 M
Liaison with Roger Williams & other experts	\$2.0 M
Total Request	\$10 M

University of Rhode Island

Forensic Science Partnership

Co-Directors: Dr. Jimmie Oxley, (Chemistry); joxley@chm.uri.edu, 401-874-2103
Mr. Dennis Hilliard (RISCL), dch@uri.edu, 401-874-2893
Dr. Everett Crisman (Mechanical Engineering) crisman@eng.uri.edu

APPENDIX H

**CONSOLIDATION OF FORENSIC LABORATORY
AT RHODE ISLAND STATE POLICE HEADQUARTERS**

Forensic Services:

- AFIS
- Latent Fingerprint processing
- Forensic Video analysis
- Crime Scene processing
 - Bloodstain analysis
 - Shooting analysis and reconstruction
- Footwear analysis and comparisons
- Forensic fatal accident and crime scene mapping
- Forensic Psychophysiology (Detection of Deception)
- Digital enhancement
 - Image Pro
 - Latent Pro
 - More Hits
 - Adobe PhotoShop

Building Upgrade:

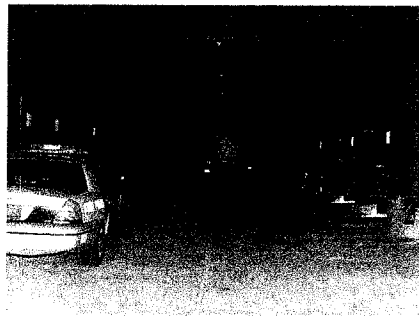
- 15,000 to 16,000 sq/ft of renovations
- Septic design
- DEM approvals
- Security

COST:

- \$4,500,000.00 approx.



Photo# 1



Photo# 2



Photo# 3

APPENDIX I

DEPARTMENT OF HEALTH

DIVISION OF LABORATORIES

FORENSICS SECTION BUDGET SUMMARY, FY 2002 AND FY 2003

Account	Account Name	Category	FY 2002 Enacted	FY 2002 Gov. Recommended	FY 2003 Gov. Recommended
STATE FUNDS					
1181-10000	Forensic Science	Personnel (1 FTE)	104,142	106,315	106,661
1181-10000	Forensic Science	Operating	59,273	28,827	28,327
		Subtotal	163,415	135,142	134,988
1181-10100	Forensic Biology (DNA)	Personnel (3 FTEs)	157,335	258,404	259,448
1181-10100	Forensic Biology (DNA)	Operating	63,780	57,450	57,450
		Subtotal	221,115	315,854	316,898
1181-10200	Forensic Toxicology*	Personnel (6 FTEs)	231,330	465,748	467,161
1181-10200	Forensic Toxicology*	Operating	154,118	208,000	208,000
		Subtotal	385,448	673,748	675,161
1181-10300	Forensic Drugs	Personnel (4 FTEs)	279,290	307,876	309,042
1181-10300	Forensic Drugs	Operating	36,735	56,273	56,273
		Subtotal	316,025	364,149	365,315
1181-10400	Breathalyzer Unit	Personnel (2 FTEs)	105,423	113,960	114,432
1181-10400	Breathalyzer Unit	Operating	0	18,200	18,200
		Subtotal	105,423	132,160	132,632
FEDERAL FUNDS					
1181-50207	DNA Profiling (Justice Commission)**	Personnel (2 FTEs)	95,333	138,203	138,898
1181-50207	DNA Profiling (Justice Commission)**	Operating	90,616	19,000	19,000
		Subtotal	185,949	157,203	157,898
1181-50400	RI Forensic DNA Laboratory	Personnel	0	0	0
1181-50400	RI Forensic DNA Laboratory	Operating	25,000	0	0
		Subtotal	25,000	0	0
		Total State Funds	1,191,426	1,621,053	1,624,994
		Total Federal Funds	210,949	157,203	157,898
		Grand Total	1,402,375	1,778,256	1,782,892
*This unit primarily serves the Medical Examiner's Office and would remain within the Department of Health.					
**The Justice Commission decided to not continue this funding in FY 2003.					

APPENDIX J

STATE OF RHODE ISLAND
RHODE ISLAND STATE CRIME LABORATORY
FYE JUNE 30, 2002

3/21/2002URI FY2002-2003

FISCAL YEAR 2002 APPROPRIATED BUDGET
FISCAL YEAR 2003 PROPOSED BUDGET

DESCRIPTION	BUDGET FY2002	PROPOSED FY2003	BUDGET NOTES
Salaries			
Principle Clerk Stenographer	32,856.00	34,335.00	1
Criminalist Trainee	30,433.00	31,500.00	2
Criminalist I	39,304.00	42,088.00	3
Criminalist II FP	40,889.00	43,839.00	3
Criminalist II FA	49,711.00	52,974.00	3
Director	72,032.00	74,553.00	2
Consultants	6,000.00	6,000.00	
Heath rebate/waiver	1,300.00	2,000.00	
Total Salaries:	\$272,525.00	\$287,289.00	
Benefits			
FICA	20,748.71	21,824.61	
Retirement - TIAA	20,913.21	22,045.86	
Retirement - state	4,011.72	4,192.30	
Assessed Fringe Benefit	8,328.07	8,769.67	
Payroll Accrual	1,084.90	1,141.16	
Health	44,805.00	45,075.00	4
Total Benefits:	\$99,891.61	\$103,048.60	
Total Salaries & Benefits:	\$372,416.61	\$390,337.60	
Telephone	2,500.00	2,500.00	
Supplies	7,000.00	9,000.00	5
Dues & Subscriptions	800.00	1,000.00	
Repairs	6,000.00	6,000.00	
Total Operating Expenditures:	\$16,300.00	\$18,500.00	
Travel - in state	3,000.00	3,000.00	
Travel - out-of-state	2,087.39	4,162.40	
Capital equipment	0.00	2,000.00	
Total Travel & Equip:	\$5,087.39	\$9,162.40	
Totals:	\$393,804.00	\$418,000.00	

1 - Includes 4.5% Cost of Living

2 - Includes 3.5% Cost of Living

3 - Includes 3.5% Cost Of Living
& a one step pay increase on
the recommendation of the Director
to the State Crime Laboratory Commission

4 - BC/BS Family coverage = \$9015
in FY2003. Benefit calculated at
5 FTEs @ Family coverage rate.

5 - Cost of Proficiency tests

CRIME LABS @ UKI w/o M.I.

<u>Personnel</u>	<u>DESCRIPTION</u>	<u>OFFICE</u>	<u>WET LAB</u>	<u>DRY LAB</u>	<u>TOTAL</u> <u>Area (sq. ft.)</u>
<u>Administrative Offices</u>					
1	Director Office w/Small Conference Area	400			400
1	Assistant Director Office	200			200
3	Criminalist Supervisor Offices	450			450
<u>Laboratory Space - Section 1</u>					
3	Reception/Evidence Receiving/Records	500			500
6	Biology/DNA - wet lab		1200		1200
<u>Laboratory Space - Section 2</u>					
3	Breath Analysis - Dry Lab			250	250
5	Drug Chemistry/DUI - wet		1000		1000
2	Trace - wet		600		600
<u>Laboratory Space - Section 3</u>					
2	Firearms & Toolmarks - DYD	500			500
2	Latent Prints - wet		500		500
2	Questioned Documents/Photography - Dry			400	400
4	Computer Analysis/Information Management - Dry			400	400
<u>Ancillary/Auxiliary Space</u>					
	Hi-Tech Classroom - 50+ seats	4000			4000
	Conference Room 15 - 20 seats	800			800
	Test Fire Range (Recovery Tank & Workshop		1000		1000
	Evidence Storage w/Walk-in Refrigeration Unit		2500		2500
	Thirty (30) Office Areas for Laboratory Staff	4500			4500
	Garage Facility - 2 cars	400			400
	Restroom/Locker Room Facilities Program		2000		2000
		11,750	8,800	1,050	21,600
		5,036	3,771	450	9,257
Circulation @ 70%		16,786	12,571	1,500	30,857

Project: New Crime Laboratory
 Building :
 Depts :

Date: November 4, 2001

Year Construction Begins : 2004

Remarks:

Interior Space	Net Sq Ft	Cost/Sq Ft	Cost
Renovation:			
Classroom		40	0
Laboratory:			
Wet		250	
Dry		150	
Office		150	
Support		40	0
Residential		25	0
Special Use		0	0
New Construction:			
Office/Classroom	16,786	150	2,517,857
Dry Lab	1,500	150	225,000
Wet Lab	12,571	250	3,142,857
TOTAL	30,857	190.7407	5,885,714

Systems/Other	Description	Cost
Asbestos/Hazardous Material		
Accessibility		
Structural		
Telecommunications		
Mechanical Systems		
Electrical Systems		
Fire Protection		
Building Envelope		
Equipment & Furnishings	@ \$15/sqft	188,571
Demolition		
Relocation	allowance	15,000
TOTAL	30,857	6.60

Utilities	Description	Cost
Site/Landscape/Drainage	allowance, pending site selected	400,000
Steam/Condensate	allowance	50,000
Electrical Service	allowance	50,000
Water Service	allowance	15,000
Telecommunications	allowance	20,000
Sanitary Sewer	allowance	20,000
Natural Gas	allowance	10,000
TOTAL	30,857	18.31

Construction Cost	6,654,286
Contingency 15%	998,143
TOTAL CONSTRUCTION	7,652,429
Architectural/Eng'r Fee:	
Included Reimbursibles @ 15% of Construction	1,147,864
Fees 0.5%	33,271
TOTAL 2001 PROJECT COST	8,833,564
Inflation:	
[3] Years @ 5 %/Year x Project Cost for 2004	1,392,391
Total For Year	10,225,955

year 1	1.050
year 2	1.103
year 3	1.158
year 4	1.216
year 5	1.264

SCHEDULE :

Month, Year (Fiscal Year)

Start A/E Search

A/E Contract; Design Start

Construction Bid

Construction Contract Award

First Construction Payment

Project Completed

Duration, months:

Duration, months:

CASH FLOW:

	<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>	Total
Design	months				
Construction		months			
Professional Services	0	0	0	0	
A/E Services	1,063,037	265,759	0	0	1,328,796
Land/Right of Way	0	0	0	0	
Site Improvement	0	0	0	0	
Building/Construction	0	8,357,210	0	0	8,357,210
Fees And Contingencies					
Contingencies 15 %	0	501,433	0	0	501,433
Fees 1.8%	0	38,516	0	0	38,516
TOTALS	1,063,037	9,162,918	0	0	10,225,955

BOGHE CAPITAL BUDGET

Funding Totals	0	0	0	0	0
Funding by Source:					
GO Unissued 1996 Ch100					
Private Funding					
University Funds					
Telecommunications					

APPENDIX K

Combination Present FTE's

Current FTE	Location	Approximate Proposed FY2003 Salary	Approximate Proposed FY2003 Benefits	Nonclassified or Classified	Union Affiliation	Pay Grade
Principal Clerk Stenographer	URI	\$ 35,000		C	ACT/NEA	
Criminalist Trainee	URI	\$ 32,000		N	PTAA	
Criminalist I	URI	\$ 43,000		N	PSA/NEA	10
Criminalist II	URI	\$ 44,000		N	PSA/NEA	11
Criminalist II	URI	\$ 53,000		N	PSA/NEA	11
Director	URI	\$ 75,000		N	N/A	16
Chief of Forensic Sciences	HEALTH	\$ 79,000		C	N/A	139
Supervisor, Forensic Sciences	HEALTH	\$ 63,000		C	NEA	334
Principal Forensic Scientist	HEALTH	\$ 59,000		C	NEA	332
Principal Forensic Scientist	HEALTH	\$ 59,000		C	NEA	332
Forensic Scientist	HEALTH	\$ 42,000		C	NEA	330
Forensic Scientist	HEALTH	\$ 42,000		C	NEA	330
Supervisor, Forensic Sciences	HEALTH	\$ 70,000		C	NEA	334
Principal Forensic Scientist	HEALTH	\$ 65,000		C	NEA	332
Senior Forensic Scientist	HEALTH	\$ 55,000		C	NEA	330
Clinical Technician	HEALTH	\$ 40,000		C	NEA	320
Supervisor, Breath Analysis	HEALTH	\$ 67,000		C	Council 94	334
Inspector, Breath Analysis	HEALTH	\$ 34,000		C	Council 94	323
		\$ 957,000	\$268,000*			

calculated at average of 28%

Total Combined Cost = \$1,225,000

